

BUSINESS RULES AND PROCESS DOCUMENT

(Trade-External)

**Automated Commercial Environment
(ACE) Entry Summary (Version 10.5)**

March 2021

PBRB #1396-0321



THIS PAGE LEFT INTENTIONALLY BLANK

Version 10.50

Date: 03/05/2021

Section	Changes Summary
Chapter 1 Entry Summary	Added CBP Form 29 and ACE Entry Summary Status Notification messages.
Chapter 3 Bonds	Chapter name updated to Bonds. Updates include: addition of sub-chapters providing a general overview of bonding, bonding authority, and bond amounts (including recent guidance on FTZ operator bond amounts); addition of a sub-chapter containing information related to the deployment of Real-Time Automated Surety Interface enhancement; information related to the deployment of ACE validations for activity type 1 (importer or broker) continuous bonds; and additional information on available Customs and Trade Automated Interface (CATAIR) documents.
Chapter 9 Antidumping and Countervailing Duty (AD/CVD)	Updates include information on the new EAPA suspension and extension code as well as the court injunction suspension code.
Chapter 10 Liquidation	Updates include information on the new EAPA suspension and extension code as well as the court injunction suspension code.
Chapter 13 Warehouse Entries and Withdrawals	A new Warehouse Section for the recent ACE capability deployed to Extending Warehouse Five Year Period in ACE.
Chapter 14 Drawback	Restored the irregularities found in version 10.25, updated language for DIS uploads after ACE acceptance.

Chapter 16 Shipments Entered Under HTS 9808.00.30 Defense Contract Management Agency-(DCMA)	Updates to new DCMA email address.
---	------------------------------------

THIS PAGE LEFT INTENTIONALLY BLANK

Table of Contents

Chapter 1 Entry Summary	
Chapter 2 NON-ABI/Manual Entry Summary	
Chapter 3 Single Transaction Bonds (For eBond).....	
Chapter 4 Remote Location Filing Process	
Chapter 5 Blanket Declarations	
Chapter 6 Temporary Importation Under Bond (TIB)	
Chapter 7 Post Summary Correction (PSC).....	
Chapter 8 Quota	
Chapter 9 Antidumping And Countervailing Duties (AD/CVD)	
Chapter 10 Liquidation	
Chapter 11 Reconciliation.....	
Chapter 12 Protest and 520(D) Claims	
Chapter 13 Warehouse Entries And Withdrawals	
Chapter 14 Drawback	
Chapter 15 ACE Reports	
Chapter 16 Defense Contract Management Agency (DCMA) Entries.....	
Chapter 17 NAFTA Duty Deferral	
Chapter 18 Foreign Trade Zones (FTZs)	
Chapter 19 Trade Fair Foreign Entries (Entry Type 24).....	
Chapter 20 Collections.....	
Chapter 21 Informal Entries.....	
Chapter 22 HTS Reporting For Multiple Classifications	
Chapter 23 Downtime Procedures	
Chapter 24 Create/Update Importer Identification Form (CBPF 5106)	
Chapter 25 Consolidated Express Filings (CEF)	
Appendix A Table of Changes.....	

Summary Processing

Overview

The purpose of this document is to outline entry summary processing in the Automated Commercial Environment (ACE). ACE is the system of record for all entry summaries. This change moves the import process from a paper-based system to a true electronic system of recordkeeping, please see [Recordkeeping in ACE](#). A change this significant requires revised operational policies and procedures, which this document addresses. This document is a living document and will be updated as additional ACE functionality is added.

This document has been updated to clarify several processes and procedures related to ACE entry summary business rules.

If you have any comments or questions about this document, please email:
ACEBUSINESSRULES@CBP.DHS.GOV

For the latest information on the ACE Mandatory Dates, go to:
<https://www.cbp.gov/trade/automated/ace-mandatory-use-dates>

ACE Background

The importation of goods into the United States, is generally a two-part process consisting of:

- 1 .) Filing the cargo release documents necessary to determine whether merchandise may be released from U.S. Customs and Border Protection (CBP) custody, and
- 2 .) Filing the entry summary documents that pertain to merchandise classification, duty, taxes, and fees.

Currently, over 99% of all entry summaries are filed electronically using the Electronic Data Interchange (EDI). The interface system that allows EDI transmissions to CBP's automated systems is the Automated Broker Interface (ABI). Entry summaries are categorized by "entry type" to facilitate more effective processing of these transactions. Ninety-six percent of all entry summaries filed are type 01-consumption and type 11-informal. Consumption entries are generally filed for commercial shipments and are supported by a surety bond to ensure compliance and payment of duties, taxes, and fees. Informal entries are typically low-value commercial and personal imports entered into the U.S. for consumption. In general, informal entries are valued at \$2,500 or less unless the goods are subject to import restrictions for which other rules apply.

Chapter 1

Entry Summary Processing

1.1 Entry Summary Transmission

ACE is an integrated system for tracking information on imports and exports. It enables the Trade to electronically submit forms, data and electronic documents. It enables CBP to electronically retrieve and review Trade information and CBP documentation.

ACE is used by CBP, Trade, and Partner Government Agencies (PGAs).

The interface system that allows Electronic Data Interchange (EDI) transmissions to ACE is the Automated Broker Interface (ABI).

All entry summaries filed in San Juan (SJFO) and the U.S. Virgin Islands (USVI) must be processed by those ports of entry regardless of Center assignment of the Importer of Record (IOR).

The Client Representatives are the first point of contact for the trade community when it relates to automating their systems for interactions with CBP for system-related problems after automation and any questions on transmitting data to CBP.

If a census warning occurs when the filer is transmitting the entry summary, the filer may correct or override the census warning and retransmit.

1.2 System Generated Notification (Cargo Release)

If the filer receives a “documents required” message upon entry submission in ACE Cargo Release, that is an indicator that CBP and/or a PGA is requesting supporting documentation for further review.

1.3 Entry Filing

The time of entry is the time CBP authorizes the release of the merchandise; or the time the entry documentation is filed, and the merchandise has arrived within port limits; or the time the merchandise arrives within the port limits, if the entry documentation is submitted before arrival, and if requested by the importer on the entry documentation at the time of submission.

Entry documents must be filed within 15 calendar days of the date that a shipment arrives in the U.S.

The entry must be accompanied by evidence that a bond has been posted with CBP to cover any potential duties, taxes, and fees that may accrue. Bonds may be secured through a resident U.S. surety company but may be posted in the form of United States currency or certain U.S. government obligations. In the event that a customs broker is employed for the purpose of making entry, the broker may permit the use of their bond to provide the required coverage.

1.4 Entry Summary Filing

If an entry summary serves as both the entry documentation and entry summary, the time of entry will be the time the entry summary is filed in proper form with estimated monies owed to CBP.

An entry summary for consumption must be filed and estimated duties deposited within 10 working days after entry of the merchandise.

1.5 Control Status

Once ACE accepts the transmission, the control status remains in Trade control and the filer can delete the entry summary record, remove the entry summary from a daily statement or reschedule the entry summary by placing it on a future daily statement until the entry summary is in CBP control.

Control status types and trade action conditions include:

- Trade - The entry summary has been accepted in ACE and has not yet been paid.
- CBP - The entry summary has been accepted in ACE and has been fully paid or is on statement

1.6 Entry Summary Record-Keeping

Except for drawback, any record required to be made, kept, and rendered for examination and inspection by CBP under the record-keeping requirements or any other provision shall be kept for five years from the date of entry, if the record relates to an entry, or five years from the date of the activity that required creation of the record.

1.7 Data Changes

All data changes should be made by the filer as early as possible. CBP should reject the entry summary if data changes are needed, in accordance with the Entry Summary Acceptance and Rejection Policy.

Filers have the ability to revise transmitted entry summary data until the entry summary is in fully paid status and under CBP control.

1.8 Center ID

If a Center ID is assigned to an importer, ACE will automatically populate the Center ID field in the entry summary.

1.9 Entry Summary Versions

Filers can view the entry summary versions, if any, through an ACE entry summary query or an ACE Report.

The number to the right of the decimal reflects how many times the entry summary changed by CBP (e.g., 1.01).

The number to the left of the decimal reflects how many times the entry summary changed by the filer (e.g., 2.0).

1.10 Entry Summary Edits

The filer should make the changes affecting the entry summary in most circumstances; however, there may be instances in which CBP users may have to make the changes on the entry summary, such as editing prior to reliquidation from the approval of a protest.

1.11 Supporting Documents

CBP will request supporting documents if the CBP reviewer determines additional information is needed to review and process the entry summary.

CBP will issue a CBP Form 28 for any additional information needed, through the ACE portal. The importer will respond to the request for additional information through the ACE portal or the Document Imaging System (DIS). The time frame to respond is 30 days from the date of issuance of notice. If requested, an extension may be authorized under the discretion of CBP.

A courtesy copy of each CBP Form 28, paper or electronic, should be provided to the broker.

Supporting documents may include, but are not limited to:

CBP Form 247 (Cost Submission)

- Detailed header and line-level spreadsheets
- Cost analysis spreadsheets
- Commercial invoice
- Packing list
- Bill of lading
- Purchase orders
- Contracts
- Manufacturers affidavit
- Inventory records
- Documents supporting apportionment of assists
- Free Trade Agreement (FTA) certificate of origin

1.12 CBP Form 29

A CBP Form 29 is a Notice of Action. It may include a change in the classification and/or value of the imported merchandise on the entry summary and may result in a rate advance of duty.

The Center will provide a written explanation on the form as to why the action was taken on the entry summary. If the action is proposed, the importer will have 20 days to respond to the CBP reviewer listed on the form. If the action is taken and the entry liquidated, the trade will have to protest CBP's decision.

A courtesy copy of each CBP Form 29, paper or electronic, should be provided to the broker.

1.13 ACE Entry Summary Review Notification

ACE notifies the filer via ABI with an entry summary status notification message that an entry summary has been selected for team review.

The filer may receive the following electronic notifications *prior to the filing of the entry summary*:

- **Request for entry summary package** (UC2; also commonly referred to as “documents required.”) These documents must be provided to CBP, **by the time of summary filing** in accordance with 19 CFR 142.3. The filer may choose to respond to the request for the entry summary package via the ACE Portal or [the Document Image System \(DIS\)](#). Once the filer receives the action number (via ABI message), the filer may upload the requested documents in the portal. The filer will receive a document receipt acknowledgement message (ABI message UC7).

The filer may also receive the “documents required” electronic notification *after filing the entry summary*:

- CBP users may also electronically request documents within the first 30 days of the submission of the entry summary. The filer may receive a UC2 or UC3 message when the CBP user generates the request for documents, depending on the request. After the 30-day period, the CBP user will use the CBP Form 28, Request for Information, to issue requests for documents.

Notification Codes Received (also found in the [ACE Entry Summary Status Notification CATAIR](#) on [cbp.gov](#)):

UC1 – Request for electronic invoice
UC2 – Request for the entry summary package
UC3 – Request for specific documents
UC4 – Entry summary rejected/PSC rejected
UC5 – ACE entry summary inactivated
UC6 – Entry summary canceled
UC7 – Document receipt acknowledgement
UC8 – Partner Government Agency (PGA) processing status information
UCP - PGA processing status information
UCQ - Quota accepted
UCE - TIB extension denied
UCR – Post Summary Correction (PSC) filed was reverted.

1.14 Entry Summary Rejections

When CBP rejects an entry summary, the filer will receive an ABI notification message “entry summary rejected.”

The filer may request a rejection after filing entry summary; however, the entry summary must be paid and not liquidated. See the [Entry Summary Acceptance and Rejection Policy](#) for rejection time limits.

If the entry was initially submitted to CBP and rejected before the 10th day of filing entry summary, the filer has the remainder of the 10th working day deadline to resubmit the entry summary but not less than two working days to resubmit entry summary.

Rejected entry summaries must be returned to CBP with any additional payment (if applicable) within two working days from the date of rejection or a no-file liquidated damage case may be issued. If the rejected entry summary is received after two working days from the date of rejection, a late-file liquidated damage case could be issued. *Exception:* AD/CVD, refer to the section “AD/CVD” in the Business Rules and Process Document for additional information.

1.15 Collections

All goods imported into the United States are subject to duty or duty-free entry in accordance with their classification under the applicable items in the Harmonized Tariff Schedule of the United States.

Duties, fees, taxes and interest owed to CBP must be deposited at the time of filing an entry summary.

Initial payment must be made at the port of entry designated on the entry summary.

To expedite the collection process, CBP recommends that additional payments such as for post summary corrections for entry summaries be filed at the port of entry designated on the entry summary. Payments made at another port of entry may slow down the collection process.

Upon retransmission of a rejected entry summary, if additional money is owed, the filer must pay by check. If paying by check, the filer should include the entry summary number on the check along with a copy of a CBP Form 7501 or equivalent document.

If there is a net difference of less than \$20 between the total amount of duties, taxes, fees, including interest in the original liquidation, CBP has the authority to disregard the difference and liquidate “as entered” per 19 CFR 159.6 (De Minimis Rule). There are exceptions for reliquidation at the importers request.

Due dates:

ACE calculates to the date and if the due date falls on a weekend or a holiday, the due date will be the next business day.

If the filer uses the Automated Clearing House (ACH) debit method of payment, then the entry is considered paid when authorized. If the filer uses daily or monthly statements, then the entry is considered paid when received.

Refer to the section “Collections” in the Business Rules and Process Document for additional information.

1.16 Informed Compliance

Informed compliance is a shared responsibility between CBP and the import community. CBP communicates its requirements to the trade, and the trade is expected to exercise reasonable care in their importing operations. Reasonable care means that importers and trade entities must be familiar with trade laws and regulations affecting imported merchandise. Not complying with CBP’s import regulations, whether intentional or not, can result in penalties.

1.17 Liquidated Damages

Liquidated damages could be initiated if the entry summary is filed without payment, filed late, not filed at all or other conditions of the basic importation and entry bond are not met.

1.18 Entry Summary Cancellation

There may be instances in which the filer requests a cancellation of an entry/entry summary. The filer must follow the [policy/procedures](#) when requesting a cancellation. It is the importers responsibility to request and provide supporting information for the cancellation.

If payment was made on the entry summary prior to the cancellation request and the entry summary is not liquidated, the filer should request an administrative refund.

Once an entry summary is liquidated, it cannot be canceled.

1.19 Liquidation

An entry not liquidated within one year from the date of entry of the merchandise, the date of the filing of a reconciliation entry, or the date of final withdrawal of all merchandise covered by a warehouse entry, will be deemed liquidated by operation of law at the rate of duty, value, quantity, and amount of duties asserted by the importer of record.

Notice of liquidation will be given electronically as provided in 19 CFR 159.

Once an entry summary is liquidated, it cannot be cancelled.

Refer to the section “Liquidation” in the Business Rules and Process Document for additional information.

1.20 Status Updated

Status updates and processing requests for an entry summary by the filer should be sent to the Center of Excellence and Expertise that is processing the entry summary.

1.21 References

- 19 CFR 141 for the legal citations on entry of merchandise.
- 19 CFR 142 for the legal citations on entry process.
- 19 CFR 159 for the legal citations on liquidation of duties.
- 19 CFR 163 for recordkeeping requirements.
- 19 CFR 172 for liquidated damages; penalties information.
- CBP.gov [Trade Programs](#)
- [ACE Automated Broker \(ABI\) and CBP and Trade Automated Interface Requirements \(CATAIR\)](#)
- [ACE Support](#)
- [Centers of Excellence and Expertise](#)

Chapter 2

Non-ABI/Manual Entry Summary

2.1 Non ABI Review

Non-ABI means the entry summary was not transmitted electronically through the Automated Broker Interface (ABI).

Non-ABI entry summary documents and timeliness requirements are the same as ABI entry summary requirements.

The Trade can submit their Non-ABI entry summary via paper through the Document Imaging System (DIS). CBP will review the documents and manually place the entry/entry summary information in ACE.

If the documents are submitted to CBP in person, the invoice can serve as the release notification when given back to the filer. If the documents are submitted to CBP electronically, an electronic notification of the release is sufficient.

The Client Representatives are the first point of contact for the trade community when it relates to automating their systems for interactions with CBP.

2.2 Filer Codes

CBP assigns a unique (3) three character entry filer code to all licensed brokers and self-filing Importers based on qualifications. The Importer or filer will place an 11 character entry number they assign on the entry/entry summary documentation.

If the filer needs to request an entry filer code, the filer must submit their request in writing on their company letterhead to their Center or Port of Entry assigned.

2.3 Non- ABI/Manual Entry Summary Collection

Non-ABI entry summaries must be paid via single pay, they are not allowed on statement.

2.4 Non-ABI/Manual Entry Summary Lineless Processing

Only U.S. Virgin Island ports may use lineless Non-ABI entry summary input for the following entry types; 01, 06, 08, 11, 21, 22, 23, 24, 25, 31, 51, and 52. ***Excluding*** Quota, AD/CVD, Reconciliation, Drawback and Vessel Repair.

2.5 References

19 CFR 142.3a (Entry Numbers)

19 CFR 142.48 (Release Procedures)

Non-ABI/Manual Entry Summary

Chapter 3

Bonds

3.1 Bonding Authority

Section 623 of the Tariff Act of 1930, as amended (19 U.S.C. 1623), provides CBP with broad authority to require a bond, by regulation or specific instruction, where CBP deems it necessary to protect the revenue of the United States or ensure compliance with any provision of law, regulation, or instruction which CBP is authorized to enforce. See 19 U.S.C. 1623(a). Section 623 also provides the authority to prescribe the conditions and form of the bond, the manner in which the bond may be filed (including electronically), and the amount of the bond. See 19 U.S.C. 1623(b)(1).

The CBP regulations governing bonds are found in part 113 of Chapter 1 of title 19 of the Code of Federal Regulations ([19 CFR §113](#)). These regulations outline a paper-based bond process designed to complement other paper-based processes in Title 19. However, subsequent to the promulgation of these regulations, many aspects of the customs entry process are now electronic (as opposed to paper-based) and conducted in the Automated Commercial Environment (ACE).

3.2 Bond Overview

When merchandise is imported, bonds are generally required to secure the revenue of the United States because the final determination of duties, taxes and fees (referred to as liquidation) is not made when merchandise is imported, but possibly many months or years afterwards. CBP permits the release of merchandise prior to the final determination of all duties, taxes, and fees owed, provided the importer of record posts a bond or other security to insure payment and compliance with other applicable laws and regulations. Importers of record obtain (either directly or through licensed customs brokers) a bond from a company referred to as a surety. The importer of record (or its licensed customs broker) purchases the bond and is thus the principal on the bond. The surety issues the bond and the beneficiary of the bond is CBP. Continuous bonds secure transactions for a period of up to one year and renew automatically for successive one-year periods, unless they are terminated sooner. Single transaction bonds secure only one transaction.

In most formal entry transactions, a bond is on file in eBond at the time the entry is filed and estimated duties, taxes, and fees are deposited by the importer of record shortly thereafter. The imported merchandise may be released from CBP custody while the final amounts of duties, taxes, and fees owed await final determination by CBP at a later point in time. With a bond in place, the revenue is considered to be protected from, among other risks, the risk that the importer of record will be unable or unwilling to pay the difference between the estimated duties, taxes, and fees deposited by the importer of record at or shortly after entry and the amounts actually determined to be due at liquidation. However, the protection offered is limited by the amount of the bond.

3.3 Bond Amounts

CBP establishes required bond amounts for imported merchandise pursuant to 19 CFR 113.13 and [Customs Directive 3510-004, Monetary Guidelines for Setting Bond Amounts, dated July 23, 1991](#), which sets forth guidelines and specific formulas for CBP personnel to follow when setting bond amounts for the two types of bonds that may be issued for imported merchandise. Certain bond formulas in the Directive have been amended since the Directive was originally published, and those amended formulas (last amended on Oct. 24, 2013) are available on CBP.gov under [Current Bond Formulas](#).

As a matter of practice, and with few exceptions, because CBP made these formulas public, importers of record and the sureties with whom they do business typically calculate the required bond amount and transmit such bonds to CBP.

Note: The continuous bond reviewer and analytical formulas in the [Current Bond Formulas](#) document are used by the Office of Finance, Revenue Division, to determine bond sufficiency.

Only the Office of Finance, Revenue Division, may issue notice regarding the sufficiency of a continuous bond and require a new continuous bond amount.

Foreign Trade Zone (FTZ) Operator Bond Interim Guidance:

On Oct. 28, 2020 CBP issued [CSMS #44578062](#) to provide Interim Guidance for Foreign Trade Zone (FTZ) Operator Bond Amounts. Per the CSMS, on Aug. 28, 2020, CBP, Office of Trade, issued internal interim guidance to the Ports of Entry regarding the computation and request of new and annual sufficiency reviews of Foreign Trade Zone (FTZ) operator bonds.

The interim guidance serves as a supplement to [Customs Directive 3510-004, Monetary Guidelines for Setting Bond Amounts, dated July 23, 1991](#) and takes precedence over [FTZ Manual](#) - Section 12.2. This guidance will remain in effect from the date of issuance until either updated interim guidance or an updated directive is issued with a risk-based FTZ operator bond formula. CBP will be pursuing a risk-based FTZ operator bond formula as part of a larger risk-based bonding initiative.

FTZ Manual, Section 12.2, states:

“the initial FTZ operator bond will generally be in the amount of the duties and fees owed on the average value of foreign status non-duty paid merchandise held in the zone and the bond should be evaluated on an annual basis.”

Customs Directive 3510-004 states:

“Activity 4 - Foreign Trade Zone Operator – Continuous: When the bond is for a Foreign Trade Zone operator, the bond limit of liability amount shall be fixed in an amount the district director may deem necessary to accomplish the purpose for which the bond is given, but not less than \$50,000.”

While discretion is an important aspect in setting bond amounts, the principles of national uniformity or standardization must also be followed regardless of the particular technique or formula used to determine the bond amount. Setting the amount of a bond must not be an arbitrary action.

Effective Aug. 28, 2020 the following interim guidance applies to FTZ operator bonds:

- Ports of Entry may only require a \$50,000 FTZ operator bond for each initial FTZ activated location.
 - If the FTZ operator is filing a bond for an individual FTZ activated location, the bond amount on file must be in an amount not less than \$50,000.
 - If the FTZ operator is filing a consolidated bond to cover all FTZ activated locations nationwide, the bond on file must be in an amount not less than \$50,000 for each activated FTZ location.
- A new bond may be warranted under the following circumstances:
 - the activated zone area is substantially altered per FTZ manual, Section 4.11;
 - the character of merchandise admitted to the zone or operations performed in the zone are substantially changed;
 - the annual review reveals that growth in estimated liability exceeds 10%;
 - a zone violation(s) or potential violation(s) is deemed a threat to the revenue or proper law enforcement; or
 - any other reason substantially affecting liability of the Operator under the bond.

If a new bond is required, the Office of Finance, Revenue Division, will issue a letter to the impacted parties indicating that the current bond is not sufficient and must be terminated and replaced with a new bond. No other type of notice from the Port of Entry or other CBP office will serve as official notice of insufficiency.

If you have any questions or concerns, or receive instructions from a Port of Entry to the contrary, please contact Bond Policy within the Commercial Operations, Revenue and Entry (CORE) Division at otbond@cbp.dhs.gov.

Activity Code 1 (Importer or Broker) Continuous Bond ACE Validations:

Effective June 20, 2020, the following validations for Activity Code 1 (Importer or Broker) Continuous Bonds were deployed to ACE:

- Verify bond amount is greater than or equal to \$50,000

- Verify bond amount is incremented by \$10,000 when between \$50,000 and \$100,000, and by \$100,000 when greater than \$100,000

Note: Validations will be triggered only when a new bond is added or if the incremented amount is less than the prescribed amount. Should the new continuous bond not pass the validations listed above, Trade users will receive error code “S15” with narrative text “BOND AMOUNT INVALID OR MISSING”, which is an existing error message.

The ACE Activity Code 1 (Importer or Broker) Continuous Bond validations align with the requirements outlined in the [Current Bond Formulas](#) document.

3.4 eBond Test Overview

On Nov. 28, 2014, CBP published a notice in the Federal Register (see [79 FR 70881](#)) announcing a test of an electronic bonding system (eBond), designed to evaluate the functionality of the system, its impact on trade, and CBP’s ability to protect the revenue of the United States and enforce applicable laws. Pursuant to the eBond test, participating sureties were invited to transmit electronic bonds, riders, and terminations to ACE through an electronic data interchange (EDI). The test requires that all bonds and riders be transmitted by the surety obligated on the bond, or by a surety filer authorized to transmit bonds on behalf of the surety obligated on the bond.

The data elements collected in eBond are a streamlined version of the information collected on the CBP Form 301 - Customs Bond. The electronic transmission of these data elements memorializes the agreement of the principals and sureties on the bond to be bound by the terms and conditions of that bond. The eBond test, which began on January 3, 2015, has been modified in subsequent Federal Register notices and is ongoing. See [80 FR 899](#) (Jan. 7, 2015) and [83 FR 12403](#) (Mar. 21, 2018).

The eBond test utilizes an automated system (eBond system) that provides for the transmission of electronic bond contracts (eBonds) between principals and sureties, with CBP as the third-party beneficiary, in the Automated Commercial Environment (ACE) for the purpose of linking those eBonds to the transactions they are intended to secure. All eBonds transmitted pursuant to this test must be transmitted to ACE electronically, either via the CBP-approved Electronic Data Interchange (EDI) or emailed to CBP for manual input into ACE. The transmission of eBonds to CBP must be made by a surety or surety agent. The eBond system works with ACE to ensure that transactions secured by an eBond have the proper bond coverage to protect the revenue and secure legal compliance.

ACE will validate the bond number referenced on an entry/entry summary against bonds on file in eBond. If a match cannot be found in eBond, the entry/entry summary will be rejected.

3.5 eBond Transmission

All eBonds transmitted pursuant to this test must be transmitted to ACE electronically, either via the CBP-approved Electronic Data Interchange or emailed to CBP for manual input into ACE. The transmission of eBonds to CBP must be made by a surety or surety agent.

EDI is only available for the transmission of single transaction eBonds with the following Activity Codes:

Single Transaction Bonds	
Activity Code	Activity Name
1	Importer or Broker
1A	Drawback Payments Refunds
3	International Carrier
6	Wool & Fur Products
7	Bill of Lading
8	Detention of Copyrighted Material
9	Neutrality
10	Court Costs for Condemned Goods
16	Importer Security Filing (ISF)
11	Airport Security Bond
16	Importer Security Filing (ISF)

EDI is only available for the transmission of continuous eBonds and continuous eBond riders with the following Activity Codes:

Continuous Bonds	
Activity Code	Activity Name
1	Importer or Broker
1A	Drawback Payments Refunds
2	Custodian of Bonded Merchandise
3	International Carrier
3A	Instruments of International Traffic
3A3	Carrier of International Traffic
4	Foreign Trade Zone Operator
5	Public Gauger
11	Airport Security Bond
16	Importer Security Filing (ISF)

eBonds and eBond riders may be emailed to CBP at bondquestions@cbp.dhs.gov for manual input into ACE. eBonds transmitted via email must be on a CBP Form 301 signed by the principal(s) and surety(ies). eSTBs must include direction to CBP as to how the eSTB is to be used and the entry type the eSTB will secure. Email transmission is available or eBonds and eBond riders with any Activity Code. eBonds and eBond riders transmitted by this method are subject to policies and procedures issued by the Office of Finance for the manual input of eBonds and eBond riders.

CBP Bond Forms:

- Customs Bond - [CBP Form 301](#)
- Addendum to Form 301 - [CBP Form 301a](#)

3.6 Customs and Trade Automated Interface (CATAIR) documents

The '[eBond: Create/Update](#)' CATAIR document provides input and output EDI record information for the electronic transmission of bonds to CBP. The document presents both the bond input transaction proprietary records used by sureties and surety agents to file and maintain an eBond as well as the output transaction proprietary records returned in response. The input record layouts describe the data elements required by the automated EDI interface. The output record layouts describe a response to filing as generated and returned by the automated EDI interface.

The '[eBond: Status Notification](#)' CATAIR document provides information on the eBond Status Notification message, which is an ABI message generated from CBP's ACE bond processing, from an action transmitted by the bond filer, from an action taken on the bond by CBP, or from a related entry and entry summary action. This message will only be sent to ACE ABI filers for bonds filed in ACE. The filer of bond and secondary notify parties nominated by the bond filer may receive a Bond Status Notification message indicating that an action has been taken on the bond by the Surety/Surety Agent or by CBP. In addition, the filer of the bond will receive a Bond Status Notification message whenever an action has been taken for an entry or entry summary related to the bond.

Note: At a mutually agreed upon date in the future, this will replace the '[Customs Daily & Quarterly Entry Summary Surety Downloads](#)'.

The '[Customs Daily & Quarterly Entry Summary Surety Downloads](#)' CATAIR document provides information on the Entry Summary Surety Download message, which is an ABI message generated from CBP ACE Entry Summary. The messages are generated and only sent to the ACE ABI surety agent filer for bonds of the sureties that they represent. The messages include all entries associated with a surety agent filer that have been added or changed during the stated timeframe.

The following downloads are available via EDI:

- Daily Entry Summary (AS) download
- Quarterly Entry Summary (AQ) download

Although the records are the same for the Daily Entry Summary (AS) download and the Quarterly Entry Summary (AQ) download sent to sureties, there is a difference in the timing and how they are generated. The AS is generated every morning for associated entries that have been updated/had an action taken on them the day before. The AQ is generated quarterly and provides the entry information for all associated entries that have not been liquidated.

Note: At a mutually agreed upon date in the future, these downloads will be replaced by the '[eBond: Status Notification](#)' message.

The 'Customs Daily Surety Billing Download' CATAIR document provides information on the Surety Billing Download message, which is an ABI message generated from CBP's ACE system. The AR message provides updates on the daily activity of bills issued by CBP to sureties for the importers they guarantee. It is generated on a daily basis and is sent only to ACE ABI Surety Agent filers for the Sureties they represent.

The '[Customs Monthly Continuous Bond Surety Download](#)' CATIAR document provides information on the Continuous Bond Surety Download message, which is an ABI message generated from CBP's ACE system. The messages are generated and only sent to the ACE ABI surety agent filers for the bonds of the sureties they represent. The messages include all bonds associated with a surety agent filer that are effective during the states timeframes. The message is sent on a monthly basis.

3.7 Single Transaction Bonds

In the limited circumstance that a Single Transaction Bond (STB) has been given in error, the STB may be voided. The action to void the STB must occur prior to being matched to an entry in Cargo Release. In addition, the amount of an eBond STB may be changed, such as obtaining a lower bond amount for an unconditionally duty free entry, but may only occur between Cargo Release and Entry Summary. If a Superseding or Substitution STB is filed as part of the Entry Summary (at Entry Summary filing or after the submission of the Entry Summary), that filing will be subject to eBond validations. The Substitution or Superseding STB must be present in ACE in order for that Entry Summary to be accepted.

CBP can receive and validate STBs either received electronically from a Surety or Surety Agent, or received from a Surety or Surety Agent emailing a copy of the STB to bondquestions@cbp.dhs.gov for input into ACE. CBP will monitor eBond STBs and when CBP finds the bond amount is insufficient for the transaction, CBP will contact the entry filer and Surety/Surety Agent to provide proper bonding.

3.8 Real-time Automated Surety Interface

Effective Jan. 9, 2021, CBP implemented changes to the eBond User Interface as part of the Real-Time Automated Surety Interface (ASI) enhancement in ACE. This enhancement expands the data provided to sureties and surety agents in real-time, via the Bond Status (BS) message, with the goal of eventually replacing the current nightly and quarterly downloads that provide Trade users with cargo release and post-release processing information. These enhanced messages will consist of both the existing information sent in eBond Status Notification messages and additional messages triggered by both Cargo Release and Post Release events.

The Real-time ASI enhancement may result in an increase in the number of messages filers receive. CBP discontinued the generation of messages for parties listed as Secondary Notify Parties (SNPs) on a bond for certain cargo release and post release events, as these would be duplicate messages already received upon transmission of entry and/or entry summary. SNPs will continue to receive duplicate test messages for various bond events, such as when a bond is added, if sureties or surety filers designate for SNPs to receive those messages.

The volume of new Bond Status messages is significant, especially with events triggered by the weekly liquidation batch job and when CBP receives payment on statement (disposition codes LLQ and CPD, respectively).

If you have any questions regarding this new functionality or the volume of messages being received, please contact your CBP Client Representative.

3.9 Points of Contact

Per [CSMS # 42514396](#), effective Sept. 30, 2019, bond policy transferred from the Office of Finance (OF) to the Office of Trade (OT). OF will continue to maintain the operation and administration of bond policy. OT has assumed responsibility for providing direction and guidance on bond policy.

Questions or concerns related to the following topics should continue to be emailed to OF via bondquestions@cbp.dhs.gov:

- Bond insufficiency notices
- Delinquency
- Voided/Reactivate Importer of Record
- eBond submission/processing

Questions or concerns related to the following topics should be emailed to OT via OTbond@cbp.dhs.gov:

- Customs Operational Advisory Committee (COAC) Bond Working Group
- Code of Federal Regulations (19 CFR 113 – CBP Bonds)
- Federal Register Notices regarding bonding
- Bond directives/guidance (e.g. Customs Directive 3510-004 Monetary Guidelines for Setting Bond Amounts)
- ACE Entry Summary Business Rules and Process Document (Bond chapters or bond references)

Chapter 4

Remote Location Filing Processing

Participation in the National Customs Automation Program (NCAP) test for ACE Remote Location Filing (RLF) Entry Summaries

Remote Location Filing (RLF) entries will now be accepted in ACE. The following are the RLF Test Eligibility Requirements:

- ACE entries can be certified for cargo release from summary.
- Filers can file a separate ACE RLF cargo release and subsequently file an ACE RLF entry summary (*commonly called ACE RLF 2-Step process*).
- Only ACE 01, 02, 03, 06, 07, 11, 12, 21, 22, 23, 31, 32, 34, 38, 51, 52 and 86 are eligible to be filed RLF.
- Customs brokers must possess a valid national permit as required by 19 C.F.R. § 111.19(f) (*this requirement does not apply to individuals filing as importer of record for their own transactions*).
- All invoices required or requested by CBP, including pro forma invoices, must be submitted using the Document Image System (DIS).
- Participants must also participate in the DIS test.
- Participants must also participate in the eBond test if submitting single transaction bonds.
- RLF entries may be filed at all Ports of Entry.
- Any party who wishes to participate in this test should contact their assigned client representative and request to participate.

Please contact your local CBP port if you have operational questions, contact your assigned CBP client representative for ABI transmission issues. For additional information and a listing of CSMS Messaging regarding the program, please visit the webpage at [CBP.gov/RLF](https://www.cbp.gov/RLF). Other questions regarding the RLF program can be emailed to: OT-remotelocationfiling@cbp.dhs.gov.

4.1 Filer Submits ACE Entry Summary with Intent to Submit Supporting Documentation via DIS

If the ACE entry summary is selected for examination or team review, the filer will receive a system-generated notification that documents are required. The only methods of response to this message are the transmission of supporting documentation (excluding CBP Forms 3461 and 7501.) via DIS.

4.2 References

Remote Location Filing Regulation: (19 C.F.R. § 143, Subpart E) Electronic Invoice Program (EIP)/Remote Location Filing (RLF) Handbook (External) Version: [https://eip.RLF External HB](https://eip.RLF.External.HB).

Chapter 5

Blanket Declarations

Authorized ACE users have the ability to create certain blanket declaration records in the ACE Secure Data Portal at an importer account level:

- CBP users and authorized trade participants may view and cancel declaration records in ACE
- Brokers with an ACE Portal account may create declaration records for their non-portal accounts; however, brokers whose clients have an importer portal account may not create declaration records on behalf of those clients. In these cases, the importer must grant access to the broker as a “user.”
- The following declaration records are currently permitted:
 - Affidavit of Manufacture: AM
 - Importer Certifying Statement: ICS
 - North American Free Trade Agreement Certificate of Origin: NAFTA CO
 - Non-Reimbursement Blanket Statements

The user may also attach documents to the declaration record, which ACE will date/time stamp and record as part of the electronic declaration file.

Trade users remain responsible for the recordkeeping requirements under 19 CFR §163. Currently, there are no ACE reports available for blanket declaration records.

5.1 Create Blanket Affidavit of Manufacture Record

This document is provided by the producer of the raw materials used in a finished article for which a duty preference claim is made. It is not intended for use with 9802 claims. For CBP verification guidelines see [TBT-07-019](#). The affidavit can be from either a U.S. party or a foreign party that is a party to the agreement. For NAFTA claims, affidavits can be accepted from raw material producers in Canada, Mexico or the United States. Affidavits are not accepted from converters or agents.

The following fields are mandatory to create an Affidavit of Manufacture declaration in the ACE portal:

1. Date Valid From
2. HTS #
3. MID #; MID Name will be auto populated (*Cannot select MID ALL*)
4. Filer code and importer of record number (*if the broker is creating the blanket affidavit*)

of manufacturer record on behalf of an importer without an ACE Portal account)

5.2 Create Blanket Importer Certifying Statement Record

This is a statement by an importer to declare that they qualify for a Free Trade Agreement or tariff preference program. This is not a requirement of entry but can be posted to the ACE portal to cover multiple shipments of identical goods over a period of time, not to exceed 12 months.

The following fields are mandatory to create an Importer Certifying Statement in the ACE portal:

1. Date Valid From
2. HTS #
3. MID #; MID Name will be auto populated (*Cannot select MID ALL*)
4. Filer code and importer of record number (*if the broker is creating the blanket importer certifying statement record on behalf of an importer without an ACE Portal account*).

5.3 Create Blanket NAFTA Certification of Origin Record

In order to make a NAFTA preference claim, the [NAFTA Certificate of Origin](#) (CBP Form 434) or a substantially similar alternate document must be in the importer's possession at the time of the preference claim. The blanket NAFTA Certificate of Origin must be signed by the exporter or his agent and may be based upon the producer's NAFTA Certificate of Origin or affidavit. See also the [CD 3550-085 Claims under the North American Free Trade Agreement Tariff Preference Levels Program](#).

The following fields are mandatory to create a NAFTA Certificate of Origin in the ACE Portal:

1. Date Valid From
2. Date Valid To
3. HTS #
4. Filer code and importer of record number (*if the broker is creating the blanket NAFTA Certificate of Origin record on behalf of an importer without an ACE Portal account*)

This blanket declaration record requires the actual NAFTA Certificate of Origin to be uploaded to complete the declaration posting.

The importer may cancel and replace a blanket NAFTA Certification of Origin declaration in order to make the following amendments:

- Description change

- Classification change
- Criterion change
- Name change of exporter, producer, or importer
- Address, email, telephone change for exporter, importer, or signer
- Net cost indicator from “No” to “NC

Upon discovery that the goods in block 5 do not originate, the importer may cancel the blanket NAFTA Certificate of Origin declaration record. When cancelling a blanket certificate, the importer must file a prior disclosure to pay the duties and fees due on the subject goods.

A CBP user may cancel a blanket NAFTA certificate of origin declaration record if the good(s) in block 5 do not originate or if the uploaded certificate is invalid.

All cancelled blanket NAFTA Certificate of Origin records remain visible in ACE to CBP users.

5.4 Create Blanket Non-Reimbursement Statement Record in the ACE Portal

Pursuant to 19 CFR § 351.402(b), the importer must file, prior to liquidation of the entry, a certificate stating that the importer has not been reimbursed by the manufacturer, producer, seller, or exporter for antidumping (AD). The importer has the option of filing a blanket non-reimbursement statement (NRBS) record through the ACE Portal to cover both ACS and ACE entry summaries.

[Guidance: AD/CVD Reimbursement Statement](#)

[Guidance: Blanket Reimbursement Certificates](#)

Once trade user selects the NRBS record type, the following fields are mandatory to complete creation of the declaration record in the ACE portal:

1. Case #
2. Date Valid From
3. Date Valid To
4. MID # or MID ALL; MID Name will be auto populated
5. AD/CVD Statement Check Box
6. If the broker is creating the NRBS record on behalf of an importer without an ACE Portal account, the broker's filer code and the importer's importer of record number are required

The case number as input is validated against the ACE case file and can be seven or ten digits. Up to 50 case numbers can be included in an NRBS record. The NRBS record can contain multiple seven-digit cases, multiple ten-digit cases, or multiple seven and ten digit cases. However, seven and ten digits cannot be of the same seven-digit case.

Up to 50 Manufacturer Identification (MID) numbers can be included in the NRBS record. MID numbers will be validated against the MID file and the MID name will be auto-populated in the NRBS record. Anytime a seven-digit case is used, including use of a combination of seven- and ten-digit case numbers, MID # ALL must be selected.

The trade is not required to scan and attach a signed copy of a blanket AD/CVD Non-Reimbursement Certificate; however, CBP reserves the right to request a copy.

Once the trade submits a NRBS record in ACE, it is considered to be submitted according to CBP regulations and filed at every port of entry; ACE NRBS records apply to both ACE and ACS entries.

The time period for a NRBS record or certificate is 12 months, or the administrative review period, whichever is longer.

If the importer has been reimbursed for AD/CVD duties by the manufacturer, producer seller, or exporter, the importer is required to cancel the NRBS record in the ACE portal and notify the AD/CVD Branch Chief (at [Declarations mailbox](#)).

If reimbursement has not occurred, the trade should check the “MID# All” box rather than enter MID numbers to protect against inadvertent/clerical errors. If reimbursement has occurred, then the trade should enter only ten-digit case numbers making sure not to include those case numbers where reimbursement has occurred; the trade should also enter specific MID numbers.

An importer can also comply with 19 CFR 351.402(b) by declaring a NRBS on an ACE type 03 AD/CVD entry summary line. However, CBP reserves the right to request a signed paper copy of an AD/CVD Non-Reimbursement Certificate.

5.5 Recordkeeping Determination Details

An importer can also comply with 19 CFR 351.402(b) by declaring a NRBS on an ACE type 03 AD/CVD entry summary line. However, CBP reserves the right to request a signed paper copy of an AD/CVD Non-Reimbursement Certificate.

The filer has two options to declare the NRBS on the ACE entry summary line:

Option 1: a one-time single transaction declaration, by inputting a “Y” on the transmission record to declare “I hereby certify that I have not entered into any agreement or understanding for the payment or for the refunding to me, by the manufacturer, producer, seller, or exporter, of all or any part of the antidumping or countervailing duties assessed upon merchandise entered under this AD/CVD line of this entry summary. I further certify that U.S. Customs and Border Protection will be notified if there is any reimbursement of antidumping or countervailing duties by the

manufacturer, producer, seller, or exporter to the importing company at any time in the future for this AD/CVD line.”

Option 2: declare the ACE NRBS record number (*the number from the importer’s ACE portal NRBS record*).

If the importer has been reimbursed for AD/CV duties by the manufacturer, producer/seller, or exporter, and declared the AD/CVD NRBS using option 1 at the entry summary line level, the importer is required to notify the port where the entry summary was filed. [See 9.4.7](#) for instructions when the blanket NRBS record number was used.

5.6 Closing the Validation Activity Details

A search may be performed by authorized CBP and trade users for declarations created in the ACE portal based on all applicable fields.

Chapter 6

Temporary Importation under Bond (TIB)

CBP deployed ACE capability to accept and process Entry and Entry Summary Type 23-Temporary Importation under Bond (TIB) in October 2015. A Temporary Importation under Bond (TIB) is a temporary importation of goods under bond, not imported for sale or sale on approval, without payment of duty and with the intent to export or destroy the goods within a certain period of time not to exceed three years from the date of importation. The TIB provisions are designated as subheadings 9813.00.05 through 9813.00.75, of the Harmonized Tariff Schedule of the United States (HTSUSA). Regulations concerning TIB entry procedures, eligibility for TIB entry and bond cancellation through exportation or destruction are provided in 19 CFR 10.31 through 10.40.

The following capabilities are available in ACE for the processing of type 23-Temporary Importation under Bond Entries:

- Temporary Importations Under Bond (TIB) Expiration Notice
- Temporary Importations Under Bond (TIB) Extensions
- Temporary Importations Under Bond (TIB) Closures

6.1 Processing

All entries are deemed to be “Export Examination Not Required” at the time of release unless designated otherwise. Designation of export examination is not a condition of entry and shipments should not be held while the determination is made.

To maintain the paperless process, fully electronic entries will be designated for examination using the text message “Export Examination Required” via the public remarks’ functionality available in ACE Cargo Release. This will be sent to the filer post release.

It is the responsibility of the filer to ensure TIB supporting documents are submitted via DIS or the ACE Portal at the time of filing the electronic entry summary data. Supporting documents may include, but are not limited to, the commercial invoice with the TIB HTSUS subheading and alternate classification under which the entry is claimed, a statement of use, and a declaration that articles are not put to any other use and not imported for sale or sale on approval. If upon review of the TIB entry Center personnel determines no documents were submitted via DIS or the ACE Portal, Center personnel will request supporting documents, please note supporting documents are due within two (2) business days. Failure to provide the supporting documents within the time specified will result in closure of the TIB entry without compliance and liquidated damages will be issued for failure to comply with the Customs Bond conditions provided in 19 CFR 113.62.

Note: Trade users will receive the “Docs Required” message through an SO60 message in their system.

Upon review of the TIB supporting documents, Center personnel will review the entry to determine TIB eligibility. If it is determined the entry qualifies for the TIB provisions, the entry will be released, and no further action is due until the one (1) year expiration of the TIB entry. If it is determined the merchandise does not qualify for a TIB entry and the cargo has been released, the correct procedure for CBP to follow when a TIB entry is initially filed is to consider the bond breached and to assess liquidated damages, therefore; Center personnel will promptly close the TIB entry in ACE with Non-Compliant and issue liquidated damages.

If the goods are exported prior to CBP notification of exam requirements, CBP should be notified and provided proof with the request to close the TIB.

If exam notification is received, per 19 CFR §10.38, a completed CBP form 3495 must accompany the goods to the designated examination location at the time of export.

The importer or their agent must contact the CBP Center to arrange location for the exam. Importer or agent must then contact local CBP port to make them aware of the arrangements prior to the examination and schedule a date and time.

6.2 PSC Requirements for TIB's

Changes to data elements can be performed via PSC. However, a PSC may not change a TIB entry to another entry type, nor can a PSC change a non TIB entry to a TIB entry. Trade users may refer to [CSMS#17-000338 – PSC Requirements for TIB \(Entry Type 23\)](#) dated June 9, 2017 and Federal Register Notice, [82 FR 50656](#) dated November 1, 2017 for additional information.

6.3 TIB Extensions

TIB Extensions that are requested by the Trade filers will automatically be accepted in ACE, but CBP will have the ability to deny an extension as necessary. Per 19 CFR 10.37, TIB's may be extended for not more than two further periods of 1 year each. As a matter of law, no extension is possible after the three-year period has expired.

Note: ACE Report ES-008, TIB Expiration Notice Report is available and recommended to be used as a tool to review TIB Extensions.

6.4 TIB Closure Procedures

When goods have been exported, proof of export documents may be submitted either via paper documents to a port or Center or via Document Imaging System (DIS). Once goods have been exported, proof of export documents, a completed CBP Form 3495 Application for Exportation of Articles Under Special Bond, (only if the merchandise was designated for exam) copy of NAFTA Duty Deferral if entry is applicable and any other relevant documents must be submitted in DIS or in paper documents if submitting to a port. If you are submitting a TIB Closure request in DIS, once the trade has successfully uploaded the documents you need to take an additional step in the ACE Entry Summary Module by selecting “Closure”. This will automatically notify the correct CBP Center team or port’s inbox (depending on the IOR assignment) that there is a TIB Closure awaiting review/processing. Once this step has been taken you will receive a notification of acceptance and you will no longer be required to send an email notifying the centers and ports of the closure. Failure to follow the additional step in the ACE Entry Summary Module in addition to uploading the closure documents in DIS will put the importer at risk of receiving liquidated damages pursuant to 19 CFR 10.39.

Note: ACE Report ES-704, TIB Closure Report is available and recommended to be used as a tool to review TIB Closures.

To locate a Center Team, please utilize the following link to access the Centers of Excellence and Expertise Directory: [Centers Information Directory](#)

6.5 Anticipatory Breach

Prior to the bond period expiring, the importer/filer must submit written notification on a company letterhead to CBP of the anticipatory breach along with the entry summary package and a check in the full bond amount. Upon submission of payment of the anticipatory breach, the importer has waived his right to receive a notice of claim for liquidated damages and will not have the right to petition for a mitigated amount. The calculation of liquidated damages for an anticipatory breach includes all duties plus the MPF Fees. The amount is two times or 110 percent of what would have been applicable to the entry had an entry for consumption been filed, with the exception of non-conforming vehicles, which is three times the value of the vehicles. Under 19 CFR 10.39(g), the importer has the responsibility for notifying the surety for the breach of bond.

6.6 References

Harmonized Tariff Schedule, Section XXII, Chapter 98 Special classification provisions:

[Harmonized Tariff Schedule PDFs \(usitc.gov\)](#)

19CFR10.31: Entry; Bond

19CFR10.37: Extension of time for exportation

19CFR10.38: Exportation

19CFR10.39: Cancellation of bond charges

19CFR10.39(f): Anticipatory Breach.

Chapter 7

Post Summary Correction (PSC)

7.1 Post Summary Correction (PSC) Overview

Post Summary Corrections (PSC) operate under 19 CFR 101.9(b), ACE Prototypes. A PSC allows importers to amend entry summaries (***not informal entries***) prior to liquidation. A participant amending entries under the test procedures will be subject to the usual penalties, liquidated damages, and other administrative sanctions for any Customs law violations.

A PSC allows filers to electronically correct entry summary data submitted to CBP. An authorized filer may submit a PSC for an ACE entry summary originally submitted by another filer if authorized by the same importer of record or if the filer of the PSC is a self-filing importer and they are the importer of record on the previous entry summary.

If the PSC is filed by someone other than the original entry summary filer, ownership of the entry summary moves to the PSC filer. The original entry summary filer will receive a notification message when a PSC has been filed but will not have visibility to the new filing. Only the PSC filer will be able to view the specific entry summary that was corrected.

Each individual filer is responsible for the accuracy and content in their separate submissions. Each filer has record keeping obligations for the records on which their filing is based; therefore, entry filers and PSC filers are not responsible for any submission not made by them.

A filer is legally obligated to correct an entry per 19 U.S.C. § 1484 and 1485.

PSC's typically address data elements that could have been determined at the time of entry, so filers that excessively use PSC's may be penalized for failing to exercise reasonable care.

If the entry summary is liquidated, the filer's options are to file a prior disclosure or protest.

7.2 PSC Transmission

A PSC transaction contains all of the data elements in the original entry summary and constitutes a complete replacement of that entry summary, as well as a replacement of any prior PSC that may have been made to the original entry summary.

If the filer receives a system reject message upon transmission, the PSC failed ACE validations. The filer should reach out to their Client Representative to assist them on PSC error messages.

In order for a filer to submit a PSC, the original entry summary or previously filed PSC must meet the following criteria

- Entry summary must be in accepted status
- Entry summary cannot be under a CBP review
- Entry summary must be in CBP control

- Entry summary must be fully paid
- Entry summary cannot be liquidated

There are no limitations to the number of PSC's that can be submitted for any one entry as long as the PSC is within the allowed timeframe. However, if a PSC is subject to review, additional PSC's will not be allowed.

If the trade deems a liquidation extension is necessary for the entry summary, the trade should request liquidation extension and ensure CBP approval prior to filing a PSC. If the trade requests an extension, then the PSC does not have to be submitted within 300 days from the date of entry, but the PSC has to be filed 15 days before the scheduled liquidated date.

7.3 Reviewing PSCs

A PSC is permitted to be used for the submission of invoice(s) omitted at the time of the original entry summary filing.

An entry summary that has been flagged for Reconciliation may only be corrected by a PSC that does not affect the issue flagged for Reconciliation.

All PSC's for a Reconciliation flagged entry summary must be filed (transmitted ABI) before the Reconciliation flag issue is reconciled through a Reconciliation entry summary type 09 otherwise it will reject with error code:

“B52 - PSC Not Allowed - Summary Reconciled –“

7.4 PSC Data Changes

Both revenue related and non-revenue related changes should be reported through the PSC test program. Revenue related are those that affect the amount of duties, taxes, and or fees applicable to an entry of merchandise, regardless of the de Minimis rule.

Non-revenue changes are those that pertain to information that must be provided in the entry summary, such as, but not limited to:

- Country of origin
- Quantity of the merchandise
- Description of that merchandise
- Quota visa number
- Value of the merchandise
- Tariff number under the Harmonized Tariff Schedule of the United States (HTSUS)
- Census Bureau data that must be reported
- Other charges and information regarding the merchandise (19 C.F.R. 141.61)

7.5 In-Eligible Changes

Data elements that **cannot** be changed for any entry type:

- Importer of Record (The importer or broker must submit a CBP Form 3347 and CBP will make the appropriate changes in ACE. Once completed, the filer may transmit a PSC to correct any necessary entry summary data.)
- Consolidated summary indicator
- Port of Entry
- Date of Import
- Cargo release certification request indicator (including DOT grouping, FDA grouping and PGA Grouping)
- Live entry indicator
- NAFTA Indicator 19 U.S.C § 1520(d) indicator for specific special programs (see Special Program/Trade Agreement Indicator section)
- Reconciliation issue code
- Preliminary statement print date
- Periodic Monthly Statement (PMS)
- Statement client branch identifier
- Location of goods code
- Date of Entry

The filer may **not** submit a PSC to amend an entry summary for Trade Preference Programs covered under 19 USC 1520(d).

Agricultural fees cannot be reduced or removed in ACE through the transmission of a PSC. CBP does not issue refunds for agricultural fees. It is the filer's responsibility to contact USDA's Agricultural Marketing Service (AMS) for a refund. However, in order for the importer to receive the refund they must submit the original entry summary showing the original weight/quantity and the corrected entry summary showing the corrected weight/quantity in order to receive the refund. Therefore, changing the net quantity through a PSC filing would be necessary in order for the importer to receive their refund from AMS.

7.6 Eligible Entry Types

The only permissible changes to entry types that can be made via a PSC are a change from entry type 01 to 03, and a change from entry type 03 to 01.

When a PSC results in a type 01 entry being changed/corrected to indicate it is a type 03 entry, or if a PSC for a change/correction to a type 03 entry results in additional AD/CVD duties due, the importer of record must deposit the associated AD/CVD duties (or bond, if allowed) at the same time the PSC is filed. The failure to make the deposit (or bond, if allowed) may result in a claim for liquidated damages.

The de Minimis rule does not apply to AD/CVD duties.

*PSC **data element** changes may be filed on the following entry types:*

- 01 – Consumption
- 02 – Consumption (Quota/Visa)
- 03 – Antidumping/Countervailing Duties (AD/CVD)
- 06 – Consumption (FTZ)

- 07 – Consumption (AD/CVD & Quota Visa Combination)
- 21 – Warehouse
- 22 – Re-Warehouse
- 23 – Temporary Importation Bond (TIB)
- 31 – Warehouse Withdrawal – Consumption
- 32 – Warehouse Withdrawal – Quota
- 34 – Warehouse Withdrawal – AD/CVD
- 38 – Warehouse Withdrawal – AD/CVD & Quota/Visa combo
- 51 – Defense Contract Administration Service Region (DCSAR)
- 52 – Government – Dutiable

If the PSC has quota lines, please refer to the “Quota” section in the Business Rules and Process Document for additional information.

7.7 Request for Accelerated Liquidation

Filers can request an Accelerated Liquidation Request via an ABI indicator requesting the PSC to be reviewed and processed in the weekly liquidation cycle.

This indicator is usually used for a refund request less than \$20.00 (de Minimis) or when the trade wants their refund processed immediately. The de minimis rule does not apply to AD/CVD entries.

If a filer submits an Accelerated Liquidation request for a PSC, CBP shall process those PSCs requesting accelerated liquidation first, prior to reviewing other PSCs. CBP will strive to process within 60 calendar days from the date it was received.

7.8 PSC Revert

As of June 20, 2020, new ACE PSC Revert functionality will be deployed that provides notification to a PSC filer when a CBP User disagrees with the PSC submission and reverts the PSC submission to the prior version. Prior to this functionality, a PSC filer was not automatically notified that their PSC was reverted and subsequently, put into the weekly liquidation cycle. Filers will now receive Entry Summary status notification through UC messaging that will provide CBP’s reason for the reversion. There are multiple reasons why a CBP user may disagree with the PSC and subsequently revert. For a full list, please see the ACE Entry Summary Status Notification CATAIR.

When CBP reverts a PSC, the entry summary is reverted back to the last accepted version, which may not be the original entry summary. Reverting the PSC will update with a minor change on behalf of CBP (i.e. 2.00 to 2.01). In some situations, CBP may make additional edits to the reverted PSC.

Once reverted, the trade no longer has the ability to submit another PSC. The entry summary is placed into the weekly liquidation cycle. The only method that may be used to seek amendment to the entry summary will be to file a protest.

7.9 Rejection

PSC's that are incomplete or not in compliance with the requirements described in the test pilot can be rejected back to the filer. The filer has (2) business days to re-transmit or CBP will set the previously accepted entry for immediate liquidation, unless the liquidation of that entry has been suspended pursuant to statute or court order.

CBP will not reject a PSC declaring an increase in liability for AD/CVD duties and associated fees and taxes when the additional monies are not deposited at the time of submitting the PSC.

PSC's should not be rejected due to a missing document (example, a Mill Certificate).

7.10 Collections

To expedite the collection process, CBP recommends that payments for Post Summary Corrections be filed at the Port of Entry designated on the entry summary. Payments made at another Port of Entry may slow down the collection process.

Filers that fail to file timely deposit duties or fees, including any applicable AD/CVD cash deposits (or bond, if allowed), may be subject to civil and criminal penalties, administrative sanctions, liquidated damages, and/or suspension from this test program.

When a PSC is filed declaring an increase in liability for AD/CVD duties and other associated fees and taxes, the importer must mail or deliver a check to the CBP port of entry with those additional AD/CVD duties and associated fees and taxes within three business days of submitting the PSC.

7.11 Status Updates

Requests regarding the status of a PSC should be directed to the Center's team. If a broker or importer would like to check the status of a PSC that was transmitted with an accelerated liquidation request, please allow 90 days from the date of submission before reaching out to the Center. Exceptions to the 90-day timeframe may be made for special circumstances on a case-by-case basis. PSC status checks should be limited to those on which accelerated requests have been filed.

7.12 References

19 U.S.C. § 101.9(b)

19 U.S.C. § 1504(a)

Federal Register Notices:

65 FR 70872 dated November 28, 2000

76 FR 37136 dated June 24, 2011

78 FR 69434 dated November 19, 2013

81 FR 89482 dated December 12, 2016

82 FR 2385 dated January 9, 2017

82 FR 29910 dated June 30, 2017

82 FR 50656 dated November 1, 2017

84 FR 40430 dated August 14, 2019

CBP.gov Trade Programs:

[Trade Programs Administration Entry Summary](#)

ACE CATAIR Entry Summary Query:

[ACE CATAIR Entry Summary](#)

ACE Support:

[Trade ACE Support](#)

Centers of Excellence and Expertise:

[Centers Information](#)

Chapter 8

Quota

See Section 8.17 for a glossary of terms and acronyms.

8.1 Entry Summary Submitted Date

The Entry Summary Submitted Date is the date that the entry summary was submitted and accepted into ACE.

Entry Summary subsystem determines this date based on when the batch is first received. The following entry types will be sent to the quota subsystem.

Entry type 02 Consumption entry – Quota/Visa

Entry type 06 Consumption entry – Foreign Trade Zone (if quota)

Entry type 07 Consumption entry Quota/Visa and AD/CVD

Entry type 12 Informal Entry – Quota other than textiles

Entry type 23 TIB – Quota

Entry type 32 Warehouse withdrawal – Quota /Visa

Entry type 38 Warehouse withdrawal – Quota/Visa and AD/CVD

Entry type 51 (*if quota*) Government Entry- Defense Contract (*DCMAO NY*)

Entry type 52 (*if quota*) Government Entry- Any U.S Federal Government Agency

Entry Type 53 (*if quota*) Government Entry

An ACE submission is certified from summary. Generally, quota eligibility is based on first come, first serve*. To establish quota priority the trade is advised to certify from the Entry Summary for all quota, and particularly when quota is close to threshold.

Opening Moment quota entries made between 12:00 AM local port time and 12:00 noon EST will all receive a presentation time of 12:00 noon. The **only two commodities affected by this are sugar and tuna (See section 8.8)*

CBP will process the Entry Summary for quota and Partner Government Agency (PGA) release requirements. Any reject on the Entry or Entry Summary should be refiled independently.

The date and time stamp is automated by ACE and no longer requires manual input by CBP.

The Entry Summary date and time of presentation is automated by ACE based on Eastern Standard Time (EST).

For ACE entry summary transaction processing, ACE will check if the entry number already exists in the Quota Staging Table. If it does, the old entry version will be replaced with the most recent one. The entry number will stay the same.

After validations are complete, any old lines associated with that entry number will be deleted from the Quota Staging Table. This will be done for all entry numbers regardless of the entry type or whether the new Entry Summary contains accepted or rejected quota lines.

8.2 Payment Date

The date that the Entry Summary single payment (cash/check) is received, **or** scheduled statement (ACH) is received through the Automated Broker Interface.

If payment is scheduled for statement, use the Entry Summary Submitted Date as per 8.1 of this section.

8.3 Arrival Date

The date the cargo arrived from the Manifest subsystem and is entered into ACE - transmitted by the ship's Captain, airline Pilot or receiving officer at a land port.

Note: Warehouse Withdrawal Entry Summaries (Entry Type 31, 32, 34 and 38) will not have an arrival date. ACE assumes the goods have arrived prior to the submittal of the Entry Summary since they are in a warehouse. Warehouse withdrawals are summary only, not Cargo Entry, and are not certified from Summary.

Ocean and Rail arrival dates are derived from the manifest. Air cargo is transmitted by the airline or manually input by the Customs Officer (CBPO).

Truck dates are entered into the SAP database by CBP.

The time is recorded in EST, and it will be consistent across all ports for opening moment entries (tuna and sugar.) It is converted by ACE at the confirmation and will show 12:00 PM (EST) for these commodities. (See section 8.8 for specifics on Opening Moment quotas)

8.4 Export Date

This is the date goods departed from country of export.

8.5 Estimated Arrival Date

The estimated date of cargo arrival. This date is not used for quota reporting. It is used for initial validations if actual arrival dates are not available.

8.6 Time and Date of Presentation for Quota Eligibility

PROPER FORM:

ACE determines a presentation date, and a Quota request converts to "Ready" status when an entry is provided in proper form. Proper form requires 3 elements:

- Physical Cargo Arrival Date (manifest) entered in ACE.
- Error-free Entry Summary submission date in ACE.
- Payment or Scheduled Statement received date in ABI.

The latter of the three dates and times above determines the PRESENTATION date and determines the quota priority. Entries are processed through the ACE Quota module only after a presentation date and time are assigned. The presentation date and time determine quota priority at batching based on "first come, first served" order.

All Quota request records are sorted by PRESENTATION date accurate to the minute.

Quota Entry Summary may reflect “Pending” status, if any of the 3 components of proper form are not met.

Quota business hours are 8:30am – 4:30pm EST Monday through Friday except for federal holidays.

If the presentation is after closing (4:30pm EST) and before opening (8:30am EST) the Presentation Date and Time becomes 8:30am EST the next business day.

For entry summaries that use a warehouse withdrawal entry type, the presentation date will be derived using the following criteria: the date the Entry Summary was transmitted, or the payment date (See Sec 8.2). The latter of these will be used as the presentation date.

Paper Documents: Non-ABI submissions (paper documents) are accepted, but will be subject to manual processing by CBP, and may result in delays in quota processing.

ABI Submissions: CBP does not require paper entries for filing of quota in ACE when the Automated Broker Interface (ABI) transmission is used. Trade filers will receive response messages from ACE when the entry is accepted and quota is processed. Supporting documents, licenses, permits, or certificates may be transmitted via the Document Image System (DIS).

When quota processing is complete quota Filers receive “UC” type messages through ABI advising quota status.

“Quota Processed/Accepted” message advises that the quota has been allocated.

The “Quota Processed/Accepted” Message may not occur at time of Entry Summary filing if quota is in a QUOTA PROCESS PENDING status.

Quota Line Status ABI Messages: After Quota Processing:

<u>Code</u>	<u>Description</u>
Q01	Quota Processed/Accepted
Q02	Quota Apportioned (See Sec 8.7.1)
Q03	Quota Filled
Q04	Quota Filled or Expired
Q05	Banned Import
Q25	Licenses Filled
Q26	License Expired
Q27	Licenses Processed/Accepted

8.7 Quota Batch Processing

If an Entry Summary containing any quota lines is resubmitted, a new quota request record is created and the prior quota record is cancelled. A new date and time of presentation is established and the previous quota priority and quota are lost. If a filer needs to retain date and time of presentation due to a PSC, HQ Quota **must** be engaged to create a quota reservation. See Section 8.14 Post Summary Corrections for conditions and processes pertaining to quota, and Chapter 7.0 for further PSC guidance.

Quota Allocation: The Quota Allocation is a proration based on a comparison of the total quantity presented in relation to the quantity available. Proration is necessary primarily when the quantities of all entry summaries or withdrawals for consumption presented exceed the limit for a popular quota that oversubscribes at opening (tuna or sugar) or first batching (section 232.) The calculation of this percentage ensures that each importer receives an equal share of the quota relative to what they properly presented. An importer may not request more than the total allocation by presenting a quantity in excess of the quota limit (prohibited per [19 CFR 132.4]).

CBP may manually allocate quotas under specific circumstances. Specifically related to protests, post summary corrections (PSC), systems issues, and special cases that may occur.

In the event that a status response message with Quota decision instructions (e.g., Quota Reject) is transmitted via ABI “UC” type Message to the Filer and the Filer never resubmits their response, the Filer may be responsible for liquidated damages.

Apportioned quota occurs when a filer requests an amount in excess of the total quota remaining. The filer will be granted the available quota amount remaining or when two or more filers request the full quota remaining at the same time it will be split in equal quantity among all filers.

ACE quota entries will be filed as entry type 02 or other quota entry type with quota Harmonized Tariff Schedule (HTS) number until the quota is filled. After quota has filled, closed, or is otherwise unavailable, Entry Summaries should be filed in ACE using entry type 01 or other non-quota entry type, with the high rate of duty. When an ACE Quota Entry Summary is not successfully accepted in the systems, the filer may receive a “Quota not Processed” message.

8.8 Oversubscribed Quota/Opening Moment Quotas

Oversubscribed Quota: A quota oversubscribes when the demand is greater than the quota limit. In other words if the total quantity presented at opening by all importers is greater than the amount of quota available. When HQ Quota expects the quota to oversubscribe (based on the previous years’ history) instructions will be issued to all CBP field personnel, and the Trade (brokers, importers and interested parties) via a Quota Bulletin outlining opening moment procedures. [19 CFR 132.12]. Quota Bulletins (QB) are posted at [Trade Quota](#).

Opening Moment Quotas: Special rules will apply to quotas (tuna and sugar) that are expected to fill at opening. In these instances, quota entries with presentation dates between 12:00 midnight (Local) and 12:00 noon (EST) on the quota opening date will receive a presentation time of 12:00 noon (EST) to ensure all filers are treated the same in terms of quota priority. Quota processing for opening moment can be delayed so that CBP Headquarters personnel can review lines subject to opening moment prior to issuing prorated quantities via ACE. Once the quota is ready for processing, ACE will reject the Entry Summaries, and the filers will be notified of the prorated amount they receive via ABI “UC” message. Filers may then resubmit the rejected Entry Summary for quota allocation up to the amount of the proration, or take other action as appropriate (leave in warehouse, allotment transfer, etc.).

Entry summaries for opening moment quotas should be transmitted starting at 12:01 am (local port time) and through 12:00 pm noon EST of the opening day. These requests will then be prorated if the sum of the requested quantities during this timeframe is greater than the quota limit.

Non-ABI ACE entry summaries and warehouse withdrawals for consumption may be submitted to the CBP port office where the goods will be entered prior to the opening of quota and shall be considered for the opening, subject to port/HQ Quota policy.

Verification processing will occur at 12:30 pm EST on opening day.

For all successfully transmitted entry summaries, ACE will provide a date and time of presentation as long as the following data elements are present:

- Date that the Entry Summary was transmitted error free
- Date of Arrival is entered in ACE
- Date on which payment made or scheduled statement is received

The latest of the three dates will be used as the presentation date. If one of the dates is **not** received, the quota will be held in a “pending” status until the missing data is submitted.

For electronic Entry Summaries using a warehouse withdrawal entry type, the “presentation date and time” will be derived using the following criteria:

The **latest** date of:

- Date the Entry Summary was transmitted error free.
- Date in which payment is completed or scheduled in ACE

The latest of these two dates will be used as the presentation date. If one of the dates has not been received, the quota line will be held in a “pending” status until the condition is met.

When the ACE submission is successfully transmitted and received by CBP, the entries will be batched and timestamped for 12:00 pm noon (EST) of opening day.

For entry summaries submitted unsuccessfully (rejected or pending) with existing issues, the Headquarters Quota Branch will have a pre-allocation review timeframe of 72 hours (3 business days) after opening moment for the readdress of any concerns prior to allocation. CBP will work collaboratively with any filer to resolve data transmission issues.

Note: Once the 72-hour (3 business days) CBP Headquarters review period has elapsed, the filer will receive an ACE message with the prorated quantity.

Quota goods that exceed the prorated amount may (at the importer's discretion) be exported to another country, imported into the United States at "over quota" high rate of duty (tariff rate quota only), placed in a bonded warehouse, placed in Foreign Trade Zone (FTZ), or destroyed.

ACE entry summaries submitted for opening moment quota using statement processing for payment of duties, fees etc.; should be scheduled for payment ten (10) days from opening day, this allows for the maximum amount of days to allow for proration.

Non-ABI entry summaries for opening moment quotas may be presented starting 12:01 am opening day and continue through 12:00 pm noon EST opening day.

Note: All verified, accepted entries will indicate a 12:00 pm noon (EST) presentation date and time regardless of port location. Any statements not transmitted for the minimum amount of 10 days cannot be added to another statement and must be paid by check to CBP within 1 business day.

The ACE proration is performed on each line of an entry and filers must then re-submit prorated amounts based on the original line number(s). For example, if line 001 is prorated by the system the adjustment must be made to line 001. Additional lines may be added (see 8.8.15.).

Re-filing of an Entry Summary should be done with the same line order as originally submitted, in the prorated amounts indicated by the ABI message. Line adjustments without approval for an allotment transfer may result in a loss of some or all of a filer's quota.

Lines may be added to the Entry Summary beyond what was originally submitted, such as in the case where any non-prorated amount will be entered at the high rate of duty. Original line order must be maintained if a proration is being claimed. New lines for high rate may be added after the original lines. Do not change the original line order or mix and match amounts differently than what was prorated, unless HQ Quota approves an allotment transfer. (See section 8.12.).

Warehouse entry types are excluded from this line level correction process. Prorated warehouse withdrawals may be substituted for the original withdrawal amount(s).

Balance of requested entry goods: The filer should advise CBP what option will be used (barring other release issues, e.g., PGA requirements) for the balance of the goods subject to the "over quota" high rate. This information should be provided to CBP when low-rate proration is submitted.

For electronic submitted entries, the filer may contact HQ Quota to request a Transfer of Allotment. HQ Quota will review the information and may approve the transfer. The transfer of allotment should be processed within 5 working days [19CFR 132.13 (A)]. These transfer of allotment procedures only apply to quota related entries.

The request should include the original port of submission, entry number(s), original quantity, transfer quantity and receiving port (if different). Transfer quantity may only be allotted to the original importer of record. (See section 8.12 for more details on transfer of allotment.)

8.9 Absolute Quota

Absolute Quota: Absolute Quota limits the number of units of specified merchandise to be entered or withdrawn for consumption during a specified period. Once the quantity permitted under absolute quota is filled for a particular item, no further entries or withdrawals for consumption are permitted.

In order to obtain the quota priority for absolute quota the entry must be in PROPER FORM and establish date and time of presentation:

- Arrival date
- Error free Entry Summary submission date
- Valid payment or Scheduled Statement received date in the Automated Broker Interface (The latest of the three dates will determine date and time of presentation.)

If absolute quota fills at first batch all entries up to first batch will be prorated. See section 8.7.2 for proration processes.

Note: shipments for absolute quota will not receive cargo release until quota is processed and accepted. Entry Summary may show quota pending status and require additional action by the filer.

Current quota fill status may be found in ACE quota or commodity status report posted to [Trade Quota](#). Filers may contact the local port or center for additional quota information.

8.10 Cargo Release Holds on Absolute Quota

Absolute Quota Entry Summaries will go on manifest hold to determine admissibility.

Absolute Quota entries that exceed the defined limit must be addressed by the importer per [19 CFR 132.13] by one of the options listed below:

- Warehouse the goods in a bonded warehouse
- Export the merchandise out of the U.S. to a foreign country
- Request destruction for a portion or all entered merchandise (*At CBP's discretion*)

8.11 Writing to the Quota Staging Table

After an Entry Summary has been submitted, the quota requests associated with the Entry have passed quota specific validations, and **Relevant Tariff-Rate, Tariff Preference Level (TPL), and Absolute Quota have been identified based on input data elements**; the Entry is processed, and the appropriate message response (ABI "AX" message) is transmitted to the Entry Summary subsystem.

ACE will record a quota request to the Quota Request Staging table. ACE will also apply quantity conversions if applicable under quota. The following items are recorded to the quota request staging table:

- Entry Number associated with the quota request
- Line Ordinal Number
- Internal Entry Summary Line Number
- Trade Line Item Identifier
- Presentation Date and Time (if available*)
- Quota Processing Status Code set to “Pending”*
- Entry Summary Received Date and Time
- Arrival Date and Time
- Payment Date and Time (or Scheduled Statement received Date and Time)
- Export Date
- Appropriate Requested Quantity

**If there is no Presentation date and time the quota request status remains “pending” and is rejected back to the filer after 30 days.*

8.12 Transfer of Allotment

Filers must contact HQ Quota to request a Transfer of Allotment. HQ Quota may approve this transfer. Only HQ Quota can approve transfer requests.

Transfer allotment information must be provided to CBP within five (5) business days of authorized release of the shipment per [19 CFR 132.13]. For electronic submitted entries the Filer may contact HQ Quota to request a Transfer of Allotment. HQ Quota will review the information and may approve the transfer. The transfer allotment should be processed within the 5 business days [19CFR 132.13 (A)].

A filer may retransmit the update reserved quantities in accordance with the approved requested transfer. HQ Quota will cancel the original request associated with the reserved quantity.

The request should (at minimum) include the original port of submission, Entry number(s), original quantity, transfer quantity and the receiving port, (if different). Transfer quantity may only be allotted to the original importer of record.

For filers who still operate manually, submit requested transfer allotment to the local Port or Center. The transfer allotment request should be processed within 5 business days [19CFR 132.13 (A)].

HQ Quota instructs the manual filer to resubmit the Entry Summary to the local port or center according to approved transfer allotment. The transfer allotment should be processed within 5 business days [19CFR 132.13 (A)].

These items pertain to situations where an Entry Summary is rejected through ACE and the filer resubmits the ES.

8.13 Changes After Entry Summary is Rejected through Validation Activity

Quota Validations: Quota requests are recorded in the Quota Request Staging table with a new presentation date based on the resubmitted Entry Summary.

When the Center or local port identifies an Entry Summary with quota lines, they will reach out to HQ Quota for quota lines resolution.

HQ Quota will communicate quota line resolutions with the Center or local port and they will communicate with the filer.

8.14 Post Summary Corrections

Post Summary Corrections (PSC's) through ACE will automatically change PRESENTATION dates and DROP quota. Therefore, when considering a PSC where there are any quota lines on the Entry Summary, first evaluate if reserving quota is necessary. If so, reach out to HQ Quota to request reservation. The following directions apply to all quota types:

Quota Periods: Most quota periods are annual, and last 365 days. Absolute quota Steel and Aluminum are Quarterly quotas.

Quota Period	Dates
Q1	January 1 – March 31
Q2	April 1 – June 30
Q3	July 1 – September 30
Q4	October 1 – December 31

If the PSC is **within** the original quota period, regardless of whether the PSC impacts the lines with quota goods, and ample quota exists in that period, the PSC may be filed by the Trade **without** contacting CBP (HQ Quota.)

If the PSC is **within** the original quota period, regardless of whether the PSC impacts the quota lines, **and ample quota does not exist**, the Trade will receive an error message when attempting a PSC. The new summary is **rejected** (the original summary is maintained). The filer must engage with HQ Quota to arrange for quota reservation advising entry number and quota details. Once HQ Quota advises the quota is reserved, the filer's successful retransmission must occur within 5 business days, or the reservation expires, and the PSC will not include quota.

If the PSC is **outside** of the original quota period, regardless of whether the changes impact the quota lines, the summary will be accepted (not rejected), and the original quota presentation date will be lost and incorrect period quota will be attached. Therefore, the Trade **must** engage HQ Quota to reserve quota prior to filing a PSC to avoid loss of quota and presentation date. PSC transmission must occur within 5 business days of the reservation or the quota reservation will expire, and the PSC will not include correct period Quota.

The Centers review PSC submissions based on a variety of risk factors, paying attention to changes in quota lines when reviewing PSC submissions.

HQ Quota cannot provide quota once the quota period limit is filled. This applies to both current and past period quota.

If the quota is filled, commodities must be entered at the “over quota” the high duty rate, placed in a warehouse, FTZ, re-exported, or destroyed.

Please see the flowchart at the end of this chapter for a visual walk-through of PSC/Quota process.

For technical questions contact ABI Client Representative.

8.15 Quota Cancellation Request

In cases other than PSCs, when the Filer needs quota cancelled, they must contact HQ Quota to cancel their quota request. This is the only method of maintaining quota usage records.

Only HQ Quota cancels quota lines (at the filer request). The processing status is changed to “cancelled.” Only the field may cancel the entry.

8.16 Validation

After receiving the Entry or Entry Summary message, ACE performs preliminary data validations on each message to determine if the request should be accepted for quota processing.

The Entry or Entry Summary is rejected and an ABI “SX” type message (*for Entry*) or ABI “AX” type message (*for Entry Summary*) is transmitted to the filer with a REJECT status if any of the following events occur:

- The entry type is not for Quota and there is at least one line listing quota goods
- The Quota is full, expired, or closed
- The Quota is banned or not yet opened
- The merchandise licenses, visas, or certificates are incorrect.

If the Quota is at or above threshold, an ABI “SX” or “AX” message is transmitted to the filer to indicate a WARNING that Quota is almost full.

If the Entry passes the validations above, the ABI “SX” or “UC” message is transmitted to the filer and the cargo can be released (*subject to other cargo release conditions.*)

If the Entry Summary passes the validations above, an ABI “AX” or “UC” type message is transmitted to the filer indicating the Entry Summary is accepted with an indication quota is waiting to be processed.

Quota Query will provide the status of allocated quota at the time of query, but will not include unprocessed quota or quota pending allocation. Refer to ACE ABI CATAIR Quota Query for processes.

Visa, eCERT and other Licenses, Permits and Certificate Reporting (LPC’s):

LPC/Visa/eCERT/Quota requirements are driven by the particular HTS, country and/or textile category depending on the circumstances. CBP Quota policies and directives list determining factors for the need to file with a Visa, eCERT or other LPC and which entry type to use. These programs should be reported electronically in the Entry Summary ABI transmission following the formats in the Entry Summary CATAIR.

Quota Resources:

- [CBP.Gov Quota Page](#)
- [Quota Bulletins](#)
- [Commodity Status Report](#)
- [CBP.Gov Directives](#)

8.17 ACE Definitions Glossary

Agency: Values are CBP or USDA. If CBP is selected, Search Results will only display CBP Quota master data. If USDA is selected, Search Results will only display USDA master data. Please check the USDA website for USDA Agriculture License information.

Quota ID: ID number that identifies the master quota record.

Quota Type: The type of quota indicated in the quota master record. Values include Tariff Rate and Trade Preference.

TRQ: Tariff Rate Quota

TPL: Tariff Preference Level

Quota Status: Indicates the status of the quota
(Values include Open, Filled, Banned and Expired)

Quota Period: Period for the master quota record. Formatted as YYYYPP: e.g.: 201501 - first period in 2015, 201502 - second period in 2015, etc.

Tariff (HTS): Harmonized Tariff Schedule number which is subject to quota.

Country of Origin: The country in which the commodity is manufactured, grown, or produced. It has a quota quantity limit or minimum access quantity.

Importer of Record: Identification of the importer of record associated to a Quota request. Search will filter through both Quota Staging and Quota Allocation tables.

Entry Number: Unique identifying number assigned to the Entry by the Filer.

Description: Description of the master quota record.

Start Date: Starting effective date of the quota master record.

End Date: Ending effective date of the quota master record.

Search: Displays quota search results.

Reset: Clears Search Quota fields.

Notes about multiple HTS# Entry Summary submission:

- If there are two HTS numbers, the first one should be a chapter 98 or 99 (*This is not enforced by ACE system*). The second number is the HTS Classification number.
- If there are 3 HTS numbers (CHINA) the first is 9903.88.03 and the second is 98 or 99. The last number is the HTS Classification number.
- If there are 3 HTS (TIB) the first is 9812.XX.XXX and the second is 98 or 99. The last number is the HTS Classification number.

8.18 Search Fields Result Categories

Filter: Input text used to filter the fields in this section.

Quota ID/License Number: ID number that identifies the master quota record.

Quota/License Limit (UOM): Quota limit quantity and its associated Unit of Measure (UOM.) Quota limit is the sum of region minimum access quantity and region maximum quantity.

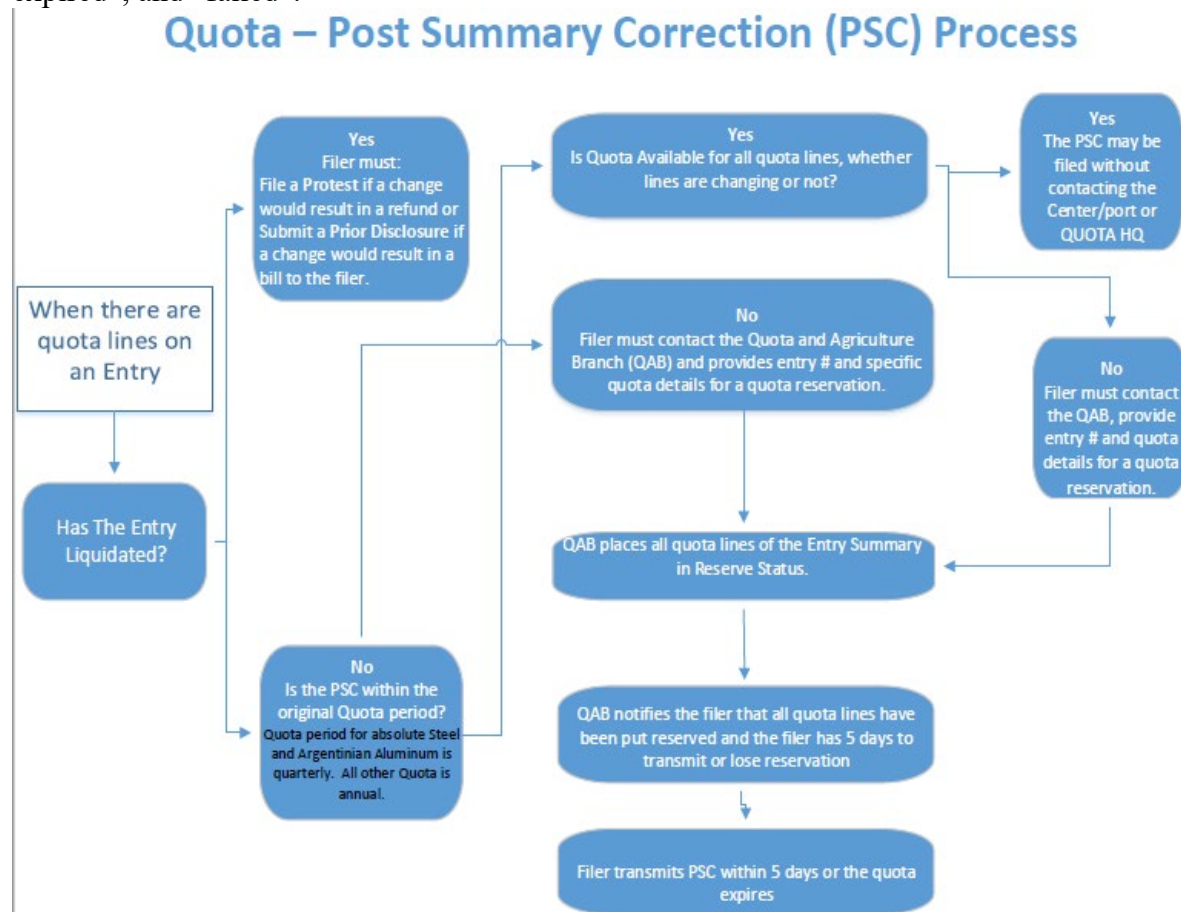
Quota Allocated: Quota allocated from the Quota Limit to a Quota request. Quota allocated is the sum of all of the region allocated quantities from the Quota region table.

Last Transaction Date: Latest processing date and time from the quota allocation table.

Filter Menu: Selectable record values include 5, 10, 25, and all. If the user selects 5, only 5 HTS records should display. If the user selects 10, only 10 HTS records should display, and so on.

Previous Button: These buttons will be selectable when there are more than 5 records. This table will display 5 records at a time, so the previous and next buttons will be used to scroll through records.

Quota Inbox: The quota inbox alerts indicate entry summaries that need to be checked determine their status. Items include “pending more than 10 days”, “reserved”, “reservation expired”, and “failed”.



Chapter 9

Antidumping and Countervailing Duties (AD/CVD)

ACE is the system of record for all AD/CVD case information and Department of Commerce, Enforcement and Compliance (formerly known as Import Administration (DOC/EC) messages, and CBP Enforce and Protect Act (EAPA) and associated entries. The AD/CVD Cases Search and AD/CVD Messages Search can be found in the Task Selector under the References tab. These searches provide access to comprehensive AD/CVD case and message information that can be used by trade portal users to identify entry summary and liquidation requirements.

ACE does not require the filing of “03” entry summaries. The responsibility for properly filing the entry summary remains with the importer or their authorized agent. Trade users accessing the AD/CVD case and message information should consult the CATAIR as needed for guidance.

For disclosure purposes, DOC/EC is the agency responsible for the input and update of most of the information contained in the AD/CVD case management and message files.

9.1 View AD/CVD Case Information

AD/CVD case information can be reached by navigating to the Reference tab and selecting AD/CVD Cases Search from the Task Selector.

The trade should notify the client representative if any discrepancies are identified within the AD/CVD case files.

9.2 Rates Information

The “Rates” sub-tab provides the trade portal user with rate information. The first column is the effective date, which indicates the date upon which a particular rate went into effect. The effective date is the equivalent of the entry date or the date of warehouse withdrawal. Trade portal users should be aware that the effective date may precede the “Added Date.”

Trade portal users are responsible for the correct deposit of AD/CVD and should promptly submit any additional cash deposit when the rate(s) have been retroactively updated.

DOC/EC will transmit messages for each instance of a rate change effective on a particular date. Trade portal users with questions on an applicable rate should research the DOC/EC messages to determine whether previously transmitted instructions resolve the question.

The second column reflects the ad valorem rate. The ad valorem rate is the percentage applied to the entered value of merchandise subject to AD/CVD. ACE calculates the duty amount owed based on the entered value and ad valorem rate input. The entry summary AD/CVD calculations must be correct, or the entry summary will be placed in reject status.

The third column reflects the specific rate of duty, that is, a set dollar amount for a given unit of measure. Units of measure (UOM) for products vary with the nature of the product and normal terms of sale. ACE provides a UOM field and a description of that field. Common UOM are kg for kilograms, pcs for pieces, etc. When DOC/EC determines a specific rate of duty for a 10-digit

case number, entry summary lines subject to the case will need to include the UOM for that rate. ACE calculates the duty amount based on the entered value and specific rates of duty input. The entry summary AD/CVD calculations must be correct, or the entry summary will be placed in reject status.

The fourth column reflects the Added Date. This is the date that DOC/EC added the rate information to the Rates sub- tab. It should not be confused with the effective date. Trade portal users should be aware that the added date may precede the effective date.

The final column on the rates sub-tab is the “Inactivated Date.” When an inactivated date appears for a rate, the associated rate and effective date are no longer valid on or after that date. However, if an inactivated date appears, trade portal users should identify whether it is followed by a retroactive update of a rate.

9.3 Events Information

The “Events” sub-tab makes it much easier for trade portal users to identify when changes in suspension of entry summaries and cash deposits are likely to occur. Data fields common to all events are the effective date, the name of the event, the determination, the FR Cite, the added date, and the inactivated date. As with rate details, the effective date and the added date may differ. Normally, the effective date will be the same as the date of the FR Cite.

9.4 Bond/Cash Requirements

DOC/EC and EAPA previously allowed importers at certain times to provide a bond in lieu of an AD/CVD cash deposit. The bond/cash sub-tab provides the trade portal user with enhanced information on the current requirement for the AD/CVD case as well as clear information of these requirements for previously filed entry summaries.

Trade portal users are responsible for the correct bonding and deposit of AD/CVD and should promptly submit any additional bond or cash deposit when this indicator has been retroactively updated.

Trade portal users with questions on the applicable bond/cash requirement should research the DOC/EC messages or EAPA Interim Measures to determine whether previously transmitted instructions resolve the question.

See 3.0 for more information regarding filing a Single Transaction Bond

9.5 Administrative Review

The information contained in the Administrative Review (AR) sub-tab are the POR #, the Period of Review, Event, Event Effective Date, Added Date, Event FR Cite, and Message #.

Information on each of these data fields is set forth below. The AR sub-tab is designed to easily identify entry summaries which should be liquidated by providing an entry summary date range with a hyperlink to associated liquidation instruction messages. Trade portal users must not rely solely on the absence of a hyperlinked message in this sub-tab since this is a manual input process.

When portal users expect a liquidation instruction should be present based on the stage of the

AD/CVD case, they should perform a search of messages.

DOC/IA began completing the AR sub-tab for AD/CVD cases after ACE A2.3.1a was released. As a result, historical information is not included, except as DOC/IA determines is necessary for clarity on an AD/CVD case.

Note: As of January 16, 2021, once an Entry Number Query Request (J1-Record) has been made, users will be able to see the following two new codes that indicate the reason for the extension or suspension of the Entry Summary liquidation:

- Code 65 alerts users if an Entry Summary is subject to EAPA Investigation.
- Code 66 alerts users if an Entry Summary is subject to Court Injunction.

9.6 For additional information, please refer to the [AD/CVD Flags for EAPA Evasion and Injunctions Trade User Information Notice and Chapter 10 – Liquidation, HTS Sub-Tab](#)

The HTS sub-tab contains three data fields: HTS number, added date and inactivated date. ACE validates HTS numbers that are added to the case file to ensure the HTS number exists and that it is an active number at the time it is added.

New HTS numbers may be added to and/or inactivated for an AD/CVD case from the time of the preliminary determination to the time of the order (see “Events” sub-tab). The “added date” identifies the date that DOC/EC added the HTS number to the case file. The inactivated date should be interpreted in the same manner as for inactivated rates dates and events.

Written Description Dispositive - Trade portal users must always remember that the HTS number(s) in the AD/CVD case file are present to facilitate the filing of AD/CVD entry summaries in compliance with AD/CVD orders. The written description of the AD/CVD order is always dispositive as to whether any given product is within the scope of an order. Trade users should not conclude that a product is within or is not within the scope of an order based on the presence or absence of an HTS in the AD/CVD case file. Trade users are reminded of their responsibilities under the Mod Act to properly file entry summaries.

Addition of HTS — DOC/IA may add HTS numbers to an AD/CVD case file after a case has gone to order for reasons such as, changes in the HTS, CBP change in classification of a product, results of a changed circumstances review, and results of an anti-circumvention determination.

9.7 Susp ES Sub-tab

Susp ES - ACE greatly simplifies the identification of entry summaries within a time period that are subject to suspension of liquidation. The Susp ES sub-tab contains only four data fields: Effective Date, Suspend ES, Added Date and Inactivated Date.

Maintenance of ACE Data— When the DOC/EC creates an AD/CVD case in ACE (published in the FR and INI instruction message issued), the DOC/EC will input the date of initiation of investigation on the Events sub-tab and the “N/A” indicator and effective date on the Susp ES sub-tab because entry summaries are not subject to the suspension of liquidation at the initiation of an investigation. When the DOC/EC makes an affirmative preliminary or final determination

that entry summaries are subject to suspension of liquidation, the DOC/EC and the “Start” indicator. When the DOC/EC makes a determination that entry summaries should no longer be suspended, for example, the exclusion of a company from an AD/CVD investigation, the revocation of a company after an order, or the revocation of an AD/CVD case resulting from a Sunset Review, the DOC/EC will complete the effective date field and insert the “Stop” indicator. CBP and trade portal users should be mindful that DOC/EC updates the Susp ES sub-tab separately from the Events, B/C and other sub-tabs.

The N/A indicator in the Susp ES sub-tab means that entry summaries are not subject to the suspension of liquidation.

ACE will notify the importer and sureties of the suspension of liquidation.

9.8 AD/CVD Messages

Public messages will be available to the trade via ACE, and unofficial copies of public messages will be available on the [ADDCVD Search Application](#) on cbp.gov. ACE enhancements allow CBP and trade portal users to more readily identify actions that need to be taken with respect to unliquidated entry summaries subject to AD/CVD.

DOC/EC messages now contain not only the 10-digit case number but also the party name and role (i.e., manufacturer and/or foreign exporter). Trade portal users are reminded that ACE entry summaries for named manufacturers and foreign exporters must only be made in accordance with DOC/EC’s instructions. Where the instructions state that a particular manufacturer and exporter combination have been given a 10-digit case number, both of those firms must be present and acting in the role named in order to declare the case and rate on an entry summary line. Importers and filers should indicate the manufacturers and/or exporters in the MID and AD/CVD Foreign Exporter entry summary fields corresponding to the 10-digit case numbers.

9.9 AD/CVD Terms

The following ACE terms are found in the Search AD/CVD Case “Company Status” field (i.e., 10-digit level company case page). The Department of Commerce (Commerce) populates this information through the AD/CVD Case Reference File (CRF) within ACE. In the definitions below, unless otherwise specified, “company” may refer to a single company (or group-entity) designated as an exporter, a producer, or a specific producer/exporter combination.

Note: This information is used for cash deposit purposes only. Merchandise may be entered under a specific case number with an assigned cash deposit rate but may be liquidated at a different AD or CVD rate.

Active: This case number is active, and entries may be made under it.

When Commerce adds a 10-digit company-specific case number (including the -000-case number) in ACE, the company status field will indicate “Active.” This indicates that the company has an active company-specific case number under that AD/CVD proceeding. With respect to the -000-case number, that means there is an active “all others” case number in a market economy proceeding and an active “country-wide entity” case number in a nonmarket economy proceeding.

- a. For all active 10-digit company case-numbers, Commerce directs CBP to suspend liquidation of the entry, and separately directs CBP regarding the amount of the cash deposit required for entries under that case number. AD/CVD should be reported at the time of entry. ¹ *Bonding, in lieu of cash deposit, is no longer allowed for any entries subject to AD/CVD.*
- b. A zero percent cash deposit rate for an active case number is not an indicator that the merchandise is not subject to the respective AD/CVD order. Rather it means that the last calculated cash deposit rate for that company was zero, and AD/CVD should be reported at the time of entry. Should a positive rate be determined at the end of an administrative review, the importer will receive a bill for the difference between its zero cash deposit and the final margin.

Inactive - company revoked: *Order does not apply to this company.*

Commerce typically applies “Inactive – company revoked” when it issues a determination to revoke a producer, exporter, or a specific producer/exporter combination from an order, meaning that merchandise from that revoked producer/exporter combination (when not sold through a third-party reseller) is no longer subject to the AD/CVD order. ² *The regulatory provision that allowed for company specific revocations was rescinded on 5/21/2012, thus company-specific revocations from an order no longer occur effective 6/20/2012, (see 77 FR 29875). Accordingly, there are generally no new company-specific revocations from an order after rescission of the regulation.* As a result, entries of merchandise from the excluded producer/exporter may not be entered under this 10-digit case number.

Note: Commerce’s revocation determination does not apply to a reseller’s exports to the United States of merchandise sourced from the revoked producer, exporter or producer/exporter combination. Accordingly, the importer should enter merchandise sourced from the reseller under the reseller’s 10-digit case number (or where the reseller does not have its own 10-digit case number, the merchandise should enter under the case number ending in -000). Under the reseller scenario, AD/CVD should be reported for merchandise from the reseller at the time of entry.

Inactive - termination: *Investigation terminated, no duties on this product from any company in this particular AD or CVD investigation.*

Commerce typically applies “Inactive – termination” when it terminates an AD/CVD investigation because the U.S. International Trade Commission determines no injury or no threat of injury, or Commerce determines there is no dumping or subsidization. It may also occur if the Petitioners withdraw the petition. In such instances, the investigation is usually terminated, and the termination carries through from the principal (i.e., 7-digit) case number to all of the 10-digit company case numbers. As a result, no AD/CVD is reported at the time of entry.

Inactive – company deactivated: *The order likely still applies to this company, but this case number does not.*

Commerce typically applies “Inactive – company deactivated” when there has been a change in status for the company. Note, however, that a “company deactivated” status does not mean that the company is not subject to the AD/CVD order; rather it means that this particular case number is no longer active for the company and merchandise can no longer be entered under this 10-digit case number. The appropriate 10-digit case number for the company will be identified in the AD/CVD cash deposit instructions. If the company is given a different 10-digit company number, that will be noted in the ACE AD/CVD case reference file. Otherwise, if the company is still subject to the order but does not have its own case number, its entries should be made under the “all others” or “country-wide” “000” case number. AD/CVD must be reported at the time of entry using the case number that replaced the deactivated case number for that company.

Commerce generally updates the CRF’s AD/CVD Company events tab to reflect “company deactivated” under the following circumstances:

a. *Nonmarket economy AD proceedings:*

- i) When Commerce issues a final result of administrative review that a company is no longer entitled to separate rate status, and therefore becomes part of the country-wide entity, Commerce will deactivate the 10-digit case number previously applicable to that company, as subsequent shipments from that company should be entered under the country-wide entity case number (i.e., -000).
- ii) When Commerce issues a final result of administrative review that an exporter that previously was part of an exporter/producer combination separate rate is entitled to an exporter separate rate (meaning the rate is applicable to the exporter regardless of what company manufactured the merchandise), Commerce will establish a new 10-digit case number for the exporter and deactivate the 10-digit case number(s) applicable to the exporter/producer combination.

b. *Market economy (AD and CVD) and non-market economy (AD and CVD) proceedings:*

- i) When Commerce makes an affirmative successor-in-interest determination, Commerce will establish a new 10-digit case number for the company determined to be the successor-in-interest and deactivate the 10-digit case number of the original company.

c. *Market economy (AD and CVD) and non-market economy (AD and CVD) proceedings:*

- i) When Commerce issues a final results of new shipper review finding that the new shipper's sales were not bona fide, or when Commerce rescinds a new shipper review, Commerce will deactivate the 10-digit case number that was set up to allow bonding for imports of merchandise shipped by that new shipper exporter/producer combination. Subsequently, entries of shipments from this exporter/producer combination should be made under the country-wide entity case number (i.e., -000).

Inactive – final exclusion: *Order does not apply to this company.*

Commerce typically applies “Inactive – final exclusion” when it issues a final determination that merchandise from a particular producer/exporter combination (when not sold through a third-

party reseller) is excluded from the AD/CVD order as a result of a De Minimis or zero margin determination in the underlying investigation. As a result, entries of merchandise from the excluded producer/exporter are not subject to AD/CVD and merchandise may not be entered under this AD/CVD case number.

Note: Commerce's final exclusion determination does not apply to a resellers' exports to the United States of merchandise sourced from the excluded producer/exporter chain. Accordingly, the importer should enter merchandise sourced from the reseller under the reseller's 10-digit case number (or where it does not have its own 10-digit case number, it should enter merchandise under the case number ending in -000). Under the reseller scenario, AD/CVD should be reported for merchandise from the reseller at the time of entry.

Inactive – deactivated: *This case number no longer applies to any company.*

When Commerce updates the AD/CVD Case Reference File's AD/CVD Case events tab to "Deactivated," ACE automatically revises the CRF AD/CVD Case and Company status fields to "Inactive – deactivated." Commerce generally uses this designation when it is making a correction to a previously inactivated or deactivated case number. To make the correction, Commerce has to first reactivate the case number and so uses this designation to deactivate after the correction is completed. As a result, no entries may be made under this case number. However, entries of merchandise from the exporter or producer formerly associated with that case number may still be subject to AD/CVD and, in such case, should be entered under the appropriate AD/CVD case number.

Inactive – order revoked: *Order no longer applies to any company.*

Commerce typically applies "Inactive – order revoked" when it issues a determination to revoke the order, for example, pursuant to an AD/CVD sunset proceeding. As a result, no AD/CVD is reported at the time of entry.

Critical Circumstances: Critical circumstances is a provision in both the AD/CVD laws that allows for the limited retroactive imposition of duties if certain conditions are met.

Notes: Importers should be aware that entries of subject merchandise made after the initiation of an AD/CVD investigation may retroactively be subject to AD/CVD.

A finding of critical circumstances is an important tool for the Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) to offset possible import surges during the early period of an AD/CVD investigation.

The petitioner in an AD/CVD investigation may allege critical circumstances during an investigation up to 21 days before the date of Commerce's final determination.

If Commerce makes a determination that critical circumstances exist, it has the statutory authority to order the retroactive suspension of liquidation and posting of a cash deposit for entries made before the issuance of a Preliminary and/or Final AD/CVD determination.

Commerce's authority to suspend entries retroactively for AD/CVD is limited to those entries made on or after the later of: (1) 90 days before the effective date the suspension of liquidation was first ordered, or (2) the date on which the determination to initiate the investigation is published in the [Federal Register](#).

Note: In either case, entries of subject merchandise made after the initiation of an AD/CVD investigation would retroactively be subject to AD/CVD. AD/CVD cash deposits are due on entries subject to critical circumstances determinations.

If, following a preliminary determination by Commerce that critical circumstances exist, both Commerce and the International Trade Commission reach a final affirmative determination of dumping or subsidization, but either agency makes a negative final determination of critical circumstances, Commerce will instruct CBP to lift suspension from the entries made during the 90-day critical circumstances period and refund cash deposits made with respect to those entries. Interest is **not** payable on refunds of cash deposits at this stage in the AD/CVD case.

For more information, see the Federal Register for Commerce and ITC critical circumstances determination; and Commerce AD/CVD instructions to CBP in ACE and ADCVD Search at [ADCVD Search Instructions](#).

Chapter 10

Liquidation

10.1 Liquidation

Liquidation processing and notification have been streamlined to fit into the ACE concept. CBP's liquidation processing cycle has decreased, while the public will be gaining access to liquidation disposition through CBP's [bulletin notice website](#).

10.2 Weekly Processing

Liquidations process weekly, with entry summaries liquidating every Friday. Once an entry summary liquidation is processed, ACE will automatically populate a liquidation date equal to the next immediate Friday – for liquidations processed before **Wednesday at 11:59:59 p.m. EST**, liquidations will post Friday of the same week; liquidations occurring after this time frame will post the following Friday. Manual liquidations are posted 365 days a year, including holidays.

10.3 Extensions, Suspensions and Deemed Liquidations

The electronic bulletin referenced in Section 10.1 will serve as the official notice for extensions and suspensions. Extensions and suspensions will post same day to the bulletin, within 90 minutes of the extension and suspension action. Sureties and filers will continue to receive extension and suspension courtesy notices, which will be sent via ABI. Non-ABI filers are only given one option for receiving notice, and this is viewing the electronic bulletin. Filers may choose to submit an extension request via paper or electronic format, through the team's email inbox or other established procedure that their assigned Center follows. If necessary, a liquidation may be extended up to three years. Reports will be available for CBP and the trade to view extension and suspension records.

Note: As of January 2017, entry summaries that are deem liquidated will be displayed on the electronic bulletin as “deemed liquidation” for the basis of liquidation. If no action has been taken to extend or suspend, an entry summary will deem liquidate at 365 days. The deemed liquidation notice should also be populated in ACE as described in 10.1.

1.4 Enforce and Protect Act (EAPA)

As of January 2021, once an Entry Number Query Request (J1-Record) has been made, users will be able to see the following two new codes that indicate the reason for the extension or suspension of liquidation of the entry summary:

- Code 65 alerts users if an entry summary is subject to EAPA Investigation.
- Code 66 alerts users if an entry summary is subject to Court Injunction.

For additional information, please refer to the [AD/CVD Flags for EAPA Evasion and Injunctions Trade User Information Notice](#).

Chapter 11

Reconciliation

11.1 Reconciliation Participation

Reconciliation (commonly known as Recon) is a voluntary program; allowing an alternative method to amend entry summary data. Refer to the ACE Reconciliation (Prototype) A Guide to [Compliance](#) for additional information.

All importers are automatically eligible to flag electronically filed underlying entries and file electronically reconciliation entries as long as they have a valid continuous bond and a valid reconciliation entry bond rider on file for each importer of record number at the time the entry summary is flagged. All required data and information must be transmitted electronically using the Automated Broker Interface (ABI) and filed in ACE.

The same surety and the same continuous bond must cover all flagged entry summaries on one reconciliation entry. The continuous bond number, reconciliation bond rider number, and Importer of Record (IOR) number (including the two-digit suffix) listed on the reconciliation entry upon transmission to CBP must match what is on the flagged entry summaries.

A reconciliation bond rider is associated to a Continuous Bond number and not an Importer of Record (IOR) number (including Social Security number or Customs Assigned Importer number) IR. As such, a continuous bond having one reconciliation bond rider will cover all IOR numbers associated with it.

The only importers who are not eligible to flag electronically filed underlying entries are those who have been suspended from flagging entry summaries for reconciliation.

11.2 Entry Types Eligible

Only entry types 01, 02, and 06 can be flagged for reconciliation:

- Entry type 01: Free and dutiable formal consumption entries.
- Entry type 02: Quota/Visa consumption entries. NOTE: Entry type 02 may not be flagged for Classification.
- Entry type 06: Foreign Trade Zone (FTZ) consumption entries. FTZ entries with AD/CVD merchandise are not eligible for reconciliation.

11.3 Recon Flagging

An importer may flag an entry summary at the time it is filed by transmitting an electronic indicator. The flag serves as the importers notice of intent to file a reconciliation entry. An importer must use reasonable care when filing the underlying entry summary, including but not limited to, declaring the proper value, classification, and rate of duty on the underlying entry summary, regardless of whether a particular issue has been flagged.

Flagging legally separates the issue(s) flagged from the entry summary, and such issue(s) may only be addressed on a reconciliation entry.

If an entry summary is flagged for a particular issue, a post summary correction may not be filed on that entry addressing the issue which is flagged.

The tracking of flagged entry summaries to file timely for reconciliation is the responsibility of the importer. To assist the importer, CBP provides ACE Reports, free of charge, but the reports are just a tool to assist, the best source for tracking is the method the importer or their agent has in practice.

11.4 Retroactive Flagging

Importers may request that CBP retroactively flag underlying entries on their behalf. The request must be made at least 60 days before the scheduled liquidation date of the underlying entry. CBP's decision to grant or deny this request is entirely discretionary. CBP is under no obligation to correct errors made by importers so this task should be granted on a limited basis and only as a courtesy when appropriate. CBP's decision is final and cannot be appealed. CBP will send a written notice to the importer when the request is approved or denied along with a list of the entry numbers that were flagged or a list of the entry numbers that were not flagged.

Retroactive flagging is a courtesy to importers and may be approved on a case-by-case basis. If there are corrections that must be made once the entry summary has been filed, the importer has alternate means to correct the issue, including filing a Post Summary Correction (PSC), 520(d), protest, or prior disclosure as applicable.

The importer is required to submit the recon timely once flagged. Unflagging should be a rare circumstance, such as; an incorrect IOR number was used.

Examples of why CBP would grant retroactive flagging include but are not limited to:

- The CBP system was down at time of entry summary filing
- The Trade system was down at time of entry summary filing, and/or
- A circumstance that the Trade had no control over that prevented them from flagging

If an importer forgot to flag then they should resort to an alternative method available to correct their issue.

11.5 Issues Flagged

There are four issues that could be flagged on an entry summary for reconciliation: Value, Classification, 9802, FTA or a combination of:

- **Value:** This reconciliation flag is open to all value issues (assists, royalties, computed value, and any other factors affecting CBP valuation, such as indirect payments).
- **Classification:** This flag is eligible for reconciliation only when the following issues have been established; pending administration ruling (including pre-classification rulings), protest, and pending a court action.
- **9802:** Subheadings 9802.00.60-9802.00.90, permits for a reduced duty treatment for the value of components manufactured in the U.S. and assembled abroad. The focus is on the value aspect of the 9802, from estimates to actual figures.

- **FTA:** This flag is subject to the obligations of 19 USC 1520(d). The importer must possess a valid certificate of origin when making a Free Trade Agreement (FTA) claim and present it to CBP upon request. Recon entries claiming FTA must include electronic certifications required by regulation.

All of the FTA claims that are 520(d) eligible can be flagged for a post-importation claim via Recon:

- USMCA*starting July 1, 2020
- Chile FTA
- CAFTA-DR
- Colombia TPA
- KORUS
- Oman FTA
- Panama TPA
- Peru TPA
- NAFTA*prior to July 1, 2020

Previously flagged entry summaries for NAFTA will be accepted after July 1, 2020.

For entry summaries that are flagged for FTA claims, the filing of a reconciliation entry is considered the exclusive means to make a 1520(d) FTA claim for those entry summaries.

11.6 Double Flagged Entry Summary

A double flagged entry summary is one where an underlying entry summary is flagged for both, FTA and OTHER (value, classification, 9802, or a combination of). Because of FTA's unique nature and different due dates, importers cannot address FTA claims on the same reconciliation entry with other reconciliation issues.

11.7 Reconciliation Filing

Reconciliation entry summaries may be transmitted to any port of entry, and they are processed by the Centers of Excellence and Expertise (Centers) and the San Juan Field Office (SJFO) based on the team code assigned.

Flagged entry summaries filed in Puerto Rico or the U.S. Virgin Islands must be addressed on separate reconciliation entries and submitted to the port of San Juan or the U.S. Virgin Islands; whichever is applicable.

Except for FTA flags, the flagging of an underlying entry summary creates an obligation on the IOR to file a reconciliation entry resolving the flagged issue(s) regardless of whether there are any changes to the flagged entry summaries to report in the reconciliation entry.

Reconciliation entries are not mandatory for entry summaries flagged for FTA but are the exclusive means to file a USMCA claim once the entry summary is flagged for FTA.

Importers are able to combine up to 9,999 underlying entry summaries per reconciliation entry. If more than 9,999 entries are being reconciled, more than one reconciliation entry will need to be filed.

Underlying entry summaries flagged for reconciliation of a particular and common issue should be grouped on one reconciliation entry. Grouping by issue rather than by date can be done as long as the reconciliation entry filing deadline has not been exceeded.

Timely Filing:

The filing of a reconciliation entry for a FTA claim is optional but if filed, it must be filed within one year of the date of importation of the goods for which the FTA claim is made. All other reconciliation entries must be filed within 21 months from the date of filing the underlying entry summary.

There are no extensions allowed on the filing deadlines for reconciliation.

Filing FTA & OTHER:

One underlying entry summary double flagged for FTA and OTHER will require the filing of two reconciliation entries, one for the FTA claim and one for the other issue(s). The FTA reconciliation entry, if filed, should be filed first so the Special Program Indicator (SPI) can be established. CBP will process the FTA reconciliation entry prior to processing the OTHER reconciliation entry.

11.8 Reconciliation Types (change/no change)

A Reconciliation is either a change or no change type.

NOTE: This is difference from a Change/No Change liquidation, as explained below.

Change Reconciliation

A change reconciliation indicates there was a change in the information flagged. The change could be in the data elements or a revenue adjustment.

No Change Reconciliation

A no change reconciliation indicates there were no changes to the data elements nor revenue originally flagged on all of the entry summaries.

11.9 Reconciliation Method (aggregate and entry –by-entry)

There are two methods of filing Reconciliation: Entry-by-Entry and Aggregate:

Entry-by-Entry

An entry-by-entry Reconciliation entry must be filed if a refund of duties, fees, or taxes result from the adjustments made and the importer requests a refund. An entry-by-entry Reconciliation entry must show all revenue adjustments for each flagged entry summary individually. Entry-by-Entry Reconciliation entries may be filed to report increases, decreases, or a mix of changes or no changes, as long as the changes to each flagged entry summary are reported individually.

Aggregate

Aggregate Reconciliation entries, identifying the flagged entry summaries, must be filed when there are no changes to report about the flagged issues. An importer may file an aggregate Reconciliation entry with summarized data showing reconciled adjustments at an aggregate level when all adjustments covered by the Reconciliation entry result in an increase in the importer's liability for duties, taxes, and fees. A list of the flagged entry summaries is required, but the revenue change need not be attributed individually to each flagged entry summary. If an aggregate Reconciliation entry is filed, drawback may not be claimed on the increased/reconciled adjustment. An aggregate Reconciliation entry reporting a decrease in the duties, fees and taxes may be filed only if the importer waives the right to any corresponding refund of duties, fees and taxes.

No Change Aggregate

A no change Aggregate recon entry is used only when there is no anticipation to make any changes/modifications to the recon entry. This type and method should not be used for the sole purpose of meeting the filing deadline with the intent to later amend the no change recon entry, prior to its liquidation. If a reduced data, no change Aggregate recon is filed, the entry may be liquidated immediately.

No change aggregate recon entries must be transmitted with zeros in the money fields and cannot include flagged entries that have any adjustments/changes made.

The filing of a reconciliation entry for an FTA issue is optional but if one is filed it must be filed within one year of the date of importation of the goods for which an FTA claim is made through the filing of the FTA reconciliation entry. All other reconciliation entries must be filed within 21 months from the date of filing the underlying entry summary.

11.10 Reconciliation Review

Reconciliation entries are not reviewed by CBP until the flagged entry summaries are liquidated, re-liquidated, or canceled.

11.11 Edits

The importer makes any amendments needed for the Reconciliation entry.

11.12 Rejections

The rejection option is primarily used if the importer needs to amend their reconciled data any time upon a CBP review. The rejection places the entry summary into Trade status which allows the importer to retransmit the Reconciliation entry.

CBP will reject a reconciliation entry if data changes need to be made; importers make their own amendments. CBP should let the importer know why the reconciliation is being rejected and what data needs to be corrected.

The importer may request a reject after filing; however, the reconciliation entry must be paid and not liquidated.

Upon retransmission of a reconciliation entry, additional entry summaries that were not on the original reconciliation entry cannot be allowed if these are added.

Upon retransmission of a reconciliation entry, flagged entry summaries cannot be removed from the reconciliation entry unless CBP has instructed the importer to do so or the flagged entry summary no longer qualifies for reconciliation filing based on an entry type change, or FTA filing, and the importer has informed CBP of the change.

Anytime a reconciliation entry is rejected prior to the filing deadline, the importer has the remainder of the timeline or thirty days from the date of reject to resubmit, whichever is greater. If the timeframe expired, the importer has only thirty days to resubmit the rejected Reconciliation entry.

11.13 Rejecting Double Flagged Entries

If two Reconciliation entries are filed on the same flagged entry summary, the second Reconciliation entry must be filed taking into account changes made to the first Reconciliation entry. If the first Reconciliation entry is rejected by CBP at the time the second Reconciliation entry is filed, the importer should notify CBP upon filing via the comments field. If the importer has not updated the second Reconciliation entry to correct any amendments made on the first Reconciliation entry, the importer should request a rejection on the second Reconciliation entry so that any necessary updates can be made. Upon retransmission of a reconciliation entry, additional entry summaries that were not on the original reconciliation entry cannot be added.

11.14 Collections

Duties, fees, taxes and interest must be deposited, in accordance with Part 24, at the time of filing a Reconciliation entry if it declares an increase in the importer's liability for duties, fees or taxes. If an entry-by-entry Reconciliation entry is filed, duties, fees, taxes and interest must be attributed to each affected line on the flagged entry summary and declared according to class code when the deposit is made.

The importer is responsible for paying duties, taxes, and fees, including interest regardless if there is a net difference of less than \$20 between the total amounts (de Minimis Rule). Initial payment may be made via cash, check, Automated Clearing House (ACH) or by statement. Once the initial Reconciliation payment is paid, any additional payments must be submitted by check. If paying by check, the importer should include the Reconciliation entry number on the check along with a copy of the 7501 or equivalent document.

To expedite the collection process, CBP recommends that payments for reconciliation entries be filed at the port of entry designated on the reconciliation entry. Payments made at another port of entry may slow down the collection process.

Refer to the "Collections" section in the Business Rules and Process document for additional information.

Currently, CBP is not authorized to refund Merchandise Processing Fees on USMCA post-importation/520(d) claims, including those 520(d) claims submitted via Reconciliation.

11.15 Liquidation

If the reconciliation entry results in a revenue change at liquidation, CBP will issue one bill or refund per reconciliation entry.

An entry not liquidated within one year from the date of the filing of a reconciliation entry will be deemed liquidated by operation of law at the rate of duty, value, quantity, and amount of duties asserted by the importer of record.

No Change/Change Liquidations:

This is not to be confused with the above section on change/no change Reconciliation types.

When CBP agrees with the importer's transmission, it is a Reconciliation "no change" liquidation.

When CBP disagrees with the importer's transmission, it is a Reconciliation "change" liquidation.

An entry summary that is flagged for reconciliation will be liquidated as to all issues other than those identified for later reconciliation. The flagged issues are transferred to the reconciliation entry which will itself, in turn, be liquidated.

CBP cannot liquidate a reconciliation entry, type 09, until all flagged entry summaries have been liquidated and the amount of interest has been calculated, if applicable.

Notice of liquidation will be given electronically as provided in 19 CFR 159.

Extending Liquidation:

Importers retain the right to request extension of liquidation on entry summaries per 19 CFR 159.12, including reconciliation entries. The request for extension must be in writing with an explanation showing good cause of why the extension should be granted. Each request for extension will be evaluated and granted by CBP on a case-by-case basis.

Liquidation of a reconciliation entry may be extended for value, 9802, or classification if the importer can substantiate why the outstanding information is not available at the time of the reconciliation filing deadline.

Refer to the "Liquidation" section in the Business Rules and Process Document for additional information.

11.16 Interest Calculations

Interest accrues on all Reconciliation entries where monetary adjustments take place, whether they are increases or decreases in duties, taxes, and fees. If there is a monetary adjustment, interest is calculated.

Interest will be calculated in accordance with 19 U.S.C. § 1505(c). CBP uses the Internal Revenue Service (IRS) interest rates, published quarterly, to compute the accrual of interest applicable to flagged entry summaries, ordinary entries and reconciliation. CBP publishes the current interest rate(s) in the Customs Bulletin and Decisions and Federal Register on a quarterly basis.

If interest is due to CBP, the importer will make the payment of interest upon reconciliation filing. If CBP owes interest to the importer, it will be paid upon liquidation of the reconciliation entry.

Interest on an Entry-by-Entry Reconciliation:

If a refund is claimed (money due to the importer), no interest calculations are required of the importer. CBP will calculate the interest due on the refund using the entry-by-entry method of calculation.

If no refund is claimed (money owed to CBP), importers must calculate the interest amount due for each flagged entry summary and report those adjustments to CBP when filing the Reconciliation entry.

Interest on an entry-by-entry Reconciliation accrues on each flagged entry summary on which the importer declares an increase in its liability for duties, fees or taxes from the date of filing of the flagged entry summary to the date of the filing of the Reconciliation entry.

Interest on an Aggregate Reconciliation:

Interest on an aggregate Reconciliation entry on which the importer declares an increase in liability for duties, fees or taxes accrues from the midpoint date of the Reconciliation entry to the date of the filing of the Reconciliation entry. The midpoint date is the date that is exactly in the middle of the time period which begins with the filing date of the oldest flagged entry summary on a Reconciliation entry and ends on the date of the filing of a Reconciliation entry.

11.17 Compliance

CBP will monitor importers for patterns of misconduct that may result in suspension from flagging entry summaries for reconciliation filing.

Violations by the importer may be subject to liquidated damages, penalties and/or other administrative sanctions and/or prevented from flagging entry summaries for reconciliation filing. Any actions commenced by CBP for misconduct may be appealed through existing procedures or, if none exists, to the Center Director within 30 days of the action.

If CBP suspends the importer from flagging entry summaries for reconciliation a written notice on a CBP letterhead should be provided to the Importer notifying the participant and listing the reason(s) why they were removed.

Suspended importers are still required to file reconciliation entries timely during the suspension period for underlying entries flagged prior to the suspension becoming effective.

An importer suspended from flagging entry summaries who wishes to be reinstated must submit a request in writing to its assigned Center or the local port of entry if a Center is not assigned. The request for reinstatement must address the reasons for the suspension and fully describe all corrective actions taken to address the grounds for suspension.

Center or Port personnel assigned will provide a written response for the reinstatement request on a CBP letterhead in a timely manner. If the reinstatement is denied, CBP will list the reason(s) why and provide the importer a chance to ask for reinstatement one year from the date of suspension.

Flagging of an entry summary creates an obligation on the part of the importer to file a Reconciliation within the allotted time, covering the flagged issue(s) on that entry summary. The obligation to file carries liquidated damage implications for failure to do so timely.

11.18 Liquidated Damages

The reconciliation entry is an entry in its own right and has the same legal status as other CBP entries. For these reasons, late filing and non-filing of reconciliation entries will be dealt with using different mechanisms.

CBP issues monthly reconciliation liquidated damage claims for each continuous bond number under the affected flagged entry summary filed. In the event that an importer receives a no file violation on a monthly liquidated damage claim covering flagged entry summaries that have not been reconciled, the importer must submit a reconciliation entry, type 09 that contains only those flagged entry summaries listed on the violation. There are no conversions from no file to late file under this program. Filing the reconciliation entry type 09 is a petition for mitigation. Mitigation is afforded for no file entry summaries once the reconciliation entry, type 09, is filed.

CBP will not issue liquidated damages for entry summaries flagged for FTA that are not reconciled. The only consequence of a failure to file a FTA reconciliation is the importer's loss of the 520(d) benefit provided under the statute.

11.19 Prior Disclosures

Upon reconciliation entry filing, importers must indicate to CBP if a prior disclosure has been made on any of the flagged entry summaries.

11.20 Protest

Upon liquidation of a flagged entry summary, any non-flagged issue decided by CBP as part of that liquidation may be protested pursuant to 19 U.S.C. 1514. The flagged issues may only be protested after liquidation of the reconciliation entry.

Upon liquidation of a reconciliation entry, any flagged issue decided by CBP as part of that liquidation may be protested pursuant to 19 U.S.C. 1514. A protest against the decisions made in the liquidation of the reconciliation entry may only address the issues flagged on the entry summaries and transferred to the reconciliation entry. The protest on the reconciliation, it may not address non-flagged issues as they were decided upon liquidation of the flagged entry summaries.

A protest on a reconciliation entry must be submitted using the entry-by-entry method, regardless of whether the reconciliation entry was previously filed as an entry-by-entry reconciliation or an aggregate reconciliation entry.

If there is an open protest on the flagged entry summaries, importers should request a liquidation extension on the reconciliation entry until the protest has been decided in case there is an impact on the original duties/taxes/fee amounts transmitted on the flagged entry summaries.

11.21 Drawback

Drawback entries or certificates concerning flagged entries shall not be filed until the reconciliation entry is filed with all associated duties, taxes, fees and interest deposited.

If the reconciliation entry is filed using the aggregate method, drawback cannot be claimed on any increased/reconciled adjustments, however, drawback can be claimed on the amount paid on the flagged entry summaries.

If the reconciliation entry is filed using the entry-by-entry method, the importer has full drawback privileges on both, the estimated duties, fees and taxes deposited at the time of filing the flagged entry summaries and any increased adjustment resulting from the reconciliation if the reconciliation entry is filed and all associated duties, taxes, fees and interest are deposited.

If an entry summary is flagged for FTA and no reconciliation entry is filed, drawback cannot be claimed on that flagged entry summary until the flag is removed.

In the case of a drawback claim and a reconciliation entry resulting in a refund against the same flagged entry, the importer is responsible for ensuring that claims for refunds in excess of the duties, fees and taxes deposited are not filed with CBP and for substantiating how the separate refund requests apply to different merchandise.

11.22 References

ACE Reconciliation (Prototype) A Guide to [Compliance](#)

Reconciliation Federal Register [Notices](#)

Reconciliation [Background](#)

CBP and Trade Automated Interface Requirements ([CATAIR](#))

ACE CATAIR Reconciliation Error [Dictionary](#)

If you have any questions or require additional information, please send an email to OT-RECONFOLDER@cbp.dhs.gov.

Chapter 12

Protest and 520(d) Claims

Effective August 27, 2016, all electronic protest submissions must be filed in the Automated Commercial Environment (ACE). CBP retired the ability to electronically file protest through the Automated Broker Interface (ABI) to the Automated Commercial System (ACS) and authorized electronic submission through the ACE Secure Data Portal. The trade community will no longer be permitted to file 514 ([19 U.S.C. 1514](#)) protests or 520(d) ([19 U.S.C. 1520\(d\)](#)) claims in ACS. In order to file protests in ACE, trade users must have a protest filer account established within the ACE Portal. Assistance for trade users in the form of a [Quick Reference Guide \(QRG\), ACE Protest for Trade](#) with instructions for applying for a protest filer account, accessing and navigating the protest user interface, and adding and amending protest records can be found on [CBP.gov](#). The Client Representatives are a point of contact for the trade community when it relates to automating their systems for interactions with CBP, system-related problems after automation and any questions on transmitting data to CBP.

Note: The Office of Trade issues all the policy and procedures for processing electronic protests in the ACE Protest Application.

12.1 Protest Application

The Protest application provides an electronic form that enables the trade user to create electronic protests, amend data on previously submitted protests, and view the status of protests they have submitted through the ACE Portal. The online form supports every aspect of creating a protest and captures the same information as the paper [CBP Form 19](#).

The 520(d) claim can be entered in the protest application. The online form for entering data is similar to the form for the 514 protest and has similar validations.

12.2 Electronic Protest Submissions

The place of filing electronic protests is the ACE Protest Module. The date of filing is the date on which the protest is received by the ACE Protest Module is determined based on midnight Eastern Standard Time (EST). This means that to be considered timely, an electronic filing in the ACE Protest Module must be received by 11:59 p.m. on the final day of the filing period. The protest filer and other designated parties will receive an electronic message via email confirming receipt of a protest filing in ACE.

Electronic protest data and associated entry summaries must be input into the ACE Protest Module by the protest filer. The lead protest number and all associated entry summary numbers must be valid entry numbers and exist in ACE. The protest filer must upload all supporting documents associated with the protest through the ACE portal. Supporting documents should include, but not limited to, the commercial invoice, corrected entry summary information in an Excel sheet or other document, declaration statement, NAFTA Certificate of Origin, Manufacturer Affidavit, Rulings, pictures, and other documents that support the protest.

Note: The CBP Form 7501 is not required for protest filing in ACE unless manual (Non-ABI) entry summaries are associated with the protest record.

Filers who elect to provide samples to support an electronic protest submission may submit the samples directly to the Port or Center team designated as the Control team on the lead entry summary or may upload pictures, sketches, or diagrams of the protested merchandise to the protest record via the ACE Portal. In both instances, the “Sample Provided” checkbox in the online form must be selected for CBP awareness that a sample is being provided.

When all the required data has been saved and accepted without errors, the ACE Protest Module will automatically assign a protest number for the filer to reference. Filers may amend, edit, and view protests they have added via the ACE Portal. ACE will generate and send messages electronically via email to the protest filer and parties designated as email recipients in the protest record of CBP decisions regarding electronic protests (e.g. approved, denied, suspended, etc.).

Trade parties are required to input email addresses for receipt of notifications on protests (1 is required; up to 4 allowed). Notifications include those for protest being added, suspended, decided, etc. If protests are not submitted electronically, trade parties will receive no status notifications until the decision copy is mailed.

The protest module does not have a print feature for printing the online form. Therefore, the protest filer does not have an output option to be able to share the submitted information.

Note: When the protest of a liquidation is submitted by the importer or filer to tender additional duties, taxes, or fees owed to CBP, the protest will be denied if the submission is not within CBP’s ninety-day voluntary re-liquidation period. CBP cannot re-liquidate the entry to the detriment of the importer if the period of voluntary re-liquidation has expired (19 U.S.C. 1514(a)). Within 90 days of liquidation, an importer or filer may submit a letter as per [19 CFR 141.105](#) with a check for the additional funds to the Port, requesting voluntary re-liquidation in accordance with [19 CFR 173.3](#). The filer may submit a prior disclosure to correct the error.

12.3 Adding Entry Summary Numbers

Trade users can add entry summary numbers to the protest record by typing individual entry summary numbers in the “Add Entry” field of the protest record or uploading a file of entry summary numbers in the “Browse” field. Only .txt files of entry summary numbers can be uploaded. The file must be no larger than 1 MB. The ACE Protest application will validate the entry summary number to ensure it is a valid number that exists in ACE and is not a duplicate.

12.4 Uploading Supporting Documents

Trade Users can upload files into the ACE Portal, such as documents, pictures, etc., that support the protest. All file types, except those in .tiff format, can be uploaded. The file size can be no larger than 10 MB per file.

12.5 Validations

The ACE Protest application validates much of the entered data on the form by checking for proper formatting of numbers and confirming that entered data, such as importer and entry summary numbers are valid and exist in ACE.

12.6 Protest/Petition Number

Once a protest/petition number has been assigned by the ACE Protest Module, it cannot be deleted by either trade or CBP.

When the Protest application detects invalid data, error messages will display. No incomplete protests are allowed. The protests cannot be saved until all required data is entered and any errors are corrected.

12.7 Application for Further Review (AFR)

When a protest is filed through the ACE Protest Module, the Protest Filer must use the module to submit AFR. AFR can be requested when creating a protest or editing a protest. When AFR is requested, an AFR tab is added to the protest to capture a response to the AFR questions in the AFR tab and a written justification for further review. The written justification must be entered in the text box provided or uploaded separately.

12.8 Accelerated Disposition (AD)

The protest filer must submit the request for Accelerated Disposition via certified or registered mail with the Center/Port Director with whom the protest was filed. Requesting Accelerated Disposition is not part of the protest creation process in ACE as it is with the paper form. With the electronic form, Accelerated Disposition is requested when the form is edited, not created. Trade user should refer to the Quick Reference Guide (QRG), ACE Protest for Trade for instructions to request or withdraw Accelerated Disposition.

The date of the request for accelerated disposition will be based on the date of mailing. The Protest Filer may electronically withdraw a request for accelerated disposition of a protest filed through the ACE Protest Module any time prior to the 30 days after the date of the request or the CBP decision on the protest, whichever comes first.

12.9 Amending Protest

An amendment to a protest filed electronically must be made through the ACE protest module. The legal requirement for protest amendments is the 180-day period after liquidation or re-liquidation, or a CBP decision which involves neither a liquidation or re-liquidation.

The date of filing an amendment for an electronic protest will be the date on which the protest amendment is received electronically by the ACE Protest Module. An amendment to a paper submission shall be deemed filed on the date it is received at the Port in which it is filed. Trade users should review Federal Register notice [81 FR 53497](#), 19 CFR 174.14(a), and 19 CFR 174.23 for additional guidance on amending protests.

12.10 Withdrawing a Protest in ACE

When a protest is filed through the ACE Protest Module, the Protest Filer's request to withdraw a protest must be submitted through the ACE Protest Module. Only the protest filer or CBP is allowed to "Withdraw" a protest through the ACE Protest Module. Once the protest has been "Withdrawn" the protest cannot be reinstated in ACE.

12.11 Paper Protests

Paper protest submissions are still supported and processed by Centers with CBP personnel adding the protest data into ACE. 19 CFR Part 174 of CBP regulations allow for paper until further notice. The paper protest will be assigned to the Center team designated as the control team on the lead entry summary.

For paper protests received at the Ports, trade parties will **not** be able to check the status by way of their portal account. The original entry filer can perform an entry summary query via ABI. A protest decision copy will be mailed to the protest filer when a decision has been rendered.

12.12 Protest on Non-Revenue Related Changes

CBP does allow section 514 protests for non-revenue related changes as long as the non-revenue related change is adverse to the importer. Per 19 CFR Part 174.11, a protest may cover: administrative decisions and/or any clerical error, mistake of fact, or other inadvertence, whether or not resulting from or contained in an electronic submission, adverse to the importer in any entry, liquidation, or re-liquidation. As long as the error, mistake of fact, or other inadvertence is adverse to the importer, then a protest is the proper mechanism.

Chapter 13

Warehouse Entries and Withdrawals

13.0 Overview

ACE allows importers and brokers full paperless submission for the following warehouse entry types:

- 21**—Warehouse
- 22**—Re-Warehouse
- 31**—Warehouse Withdrawal Consumption
- 32**—Warehouse Withdrawal Quota
- 34**—Warehouse Withdrawal Antidumping/Countervailing Duty,
- 38**—Warehouse Withdrawal Antidumping/Countervailing Duty & Quota/Visa Combination.

13.1 Basic Requirements for Warehouse Entries and Withdrawals

In order to facilitate the transition to a paperless environment, filers (*importers, brokers, etc.*) will need to provide verification of “acceptance” of warehouse entries (*ACE Entry Type 21/22*) to the warehouse proprietor.

The printout package information for the warehouse proprietor should be a [CBPF 7501](#) (*ACE Entry Summary*) “like” document, to include:

- The description of the merchandise that is going into the warehouse
- Quantity being released/entered into warehouse
- Invoice
- Bill of lading information or a [CBPF 6043](#) (*Delivery ticket*).
- A printout of CBPF 3461 for Non-ABI entry. CBP will no longer stamp copies of the CBPF 3461.

If the entry is a re-warehouse entry (entry type code 22), the entry must be filed on CBP Form 7501 and not Customs Form 3461. Customs Form 6043 (Delivery Ticket) should be filed with the CF 7501, unless transfer of the merchandise to the warehouse is authorized on an extra copy of CBP Form 7501.

If alcohol or tobacco products are imported and entered for warehouse, the Internal Revenue Tax (IRT) becomes due and payable within 14 days after the first withdrawal from the bonded warehouse. Except for articles destined for export as provided in section (b) (2) subparagraph (D) of the 26 USC 5061.

To facilitate warehouse withdrawals (*ACE Entry Type 31/32*) filers must provide [CBPF 7501](#) (*Entry summary*) “like” documents or [CBPF 7512](#) (*Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit*) as verification of “acceptance” to the warehouse proprietor.

Note: Validating the acceptance before release of merchandise is important for quota merchandise, withdrawals entry types 32/38. The warehouse proprietor must verify the quantity released for quota against the warehouse withdrawal entry that was accepted by CBP Quota prior to releasing the goods associated with the entry from the warehouse and avoid redelivery or potential liquidated damage cases.

There is no limit in the number of re-warehouse entries that can be filed on the same merchandise (except class 6) within five years from import date 19 CFR 144.41.

The Permit File Folder must be filed by the warehouse proprietor to CBP within 30 calendar days after the final withdrawal (19 CFR 19.12(d)(4)(ii) or when requested by CBP in case merchandise has not been withdrawn during the five years bonded period. Warehouse proprietors should upload the Permit File Folder or Activity Summary Report into DIS for review by CBP. If submitting Activity Summary Report, it should account for all merchandise.

Note: For audit purposes, these “like” documents will satisfy due diligence on record retention for signed off copies for release.

13.2 Basic Processes for Warehouse Entry and Withdrawals

A completed ACE Cargo Release and ACE Entry Summary must be filed with CBP. Incomplete submission of information will be rejected to the Trade for completion. All submitted documents must be reviewed for completeness and accuracy, as cited in 19 CFR 144.11. Warehouse entries/withdrawals can be verified by CBP at any time using audit/reconciliation/compliance review procedures.

Blanket withdrawals will remain a paper process at this time.

“Export Only” documents must be uploaded into DIS by the trade to notify CBP of intent.

Estimated duties, taxes and fees shall be deposited at the time merchandise is withdrawn from the warehouse for consumption, as cited in 19 CFR 144.12. The only exception is the Harbor Maintenance Fee (HMF), which is collected at time of entry into the warehouse on the entry summary, 19 CFR 24.24.

When a filer submits a final warehouse withdrawal and places an indicator on the entry withdrawal, in ACE this indicator will also update the warehouse summary with final indicator. The final withdrawal indicator in ACE will notify CBP of the final withdrawal pertaining to that entry and should be closed out. Filers should ensure there is no remaining merchandise left behind in the warehouse before placing a final withdrawal indicator, as ACE will prevent the filing of further withdrawals against the warehouse entry once the final withdrawal indicator has been placed. There should not be a remaining balance of merchandise after the final warehouse withdrawal indicator was placed and warehouse proprietor must confirm zero balance of merchandise to CBP. If a final withdrawal indicator was placed erroneously when there was still.

13.3 Document Requirements for Warehouse Withdrawals

The following documentation requirements apply to warehouse withdrawal entries (entry types 31, 32, 34, and 38):

13.4 Warehouse Withdrawal Entries

When making a warehouse withdrawal entry, members of the trade community do not have to provide additional documentation for the entry, such as the original warehouse entry's (entry type 21) documentation, unless it is requested by CBP.

Note: CBP personnel have a right to request this warehouse entry information/documentation and are not required to justify why they need this information. All required documentation must be uploaded into DIS.

CBP may request warehouse documentation through ACE within 30 days from the entry summary date. If after 30 days from the entry summary date, CBP's personnel will request warehouse entry information/documentation using a CBP Form 28-Request for Information.

Final Warehouse Withdrawal Entries, Other Warehouse Withdrawals

Per 19 CFR 19.12(d)(4)(ii), when making the final warehouse withdrawal, which, per 19 CFR 144.32(a)(3), means "the quantity remaining in the warehouse after the withdrawal" related to the original warehouse entry (entry type 21) is zero, the following documentation must be provided by the trade community within 30 calendar days of final warehouse withdrawal:

Permit File Folder

The permit file folder should contain documentation that confirms that all of the goods associated with the original warehouse entry have been removed from the warehouse or are otherwise accounted for. The permit file folder documentation includes a copy of the original warehouse entry's documentation, "Manifest Discrepancy Report," and documentation of any shortages or damage to the goods. The "Permit File Folder" must be filed to CBP within 30 calendar days after final withdrawal (19 CFR 19.12(d)(4)). Members of the trade community can find permit file folder documentation requirements in 19 CFR 19.12.

Exemption for the submission of the Permit File Folder or Activity Summary Report for the final withdrawal. 19CFR19.12 (4)(iv) may be granted at the discretion of the port director to furnish a formal notification of final withdrawal in lieu of the requirement to submit the permit file folder or entry activity summary within 30 calendar days of each final withdrawal.

Permit File Folder, Activity Summary Report or formal notification of the final withdrawal should be submitted by the warehouse proprietor into DIS, followed by an email notification to the assigned Center regarding all documentation available in DIS unless otherwise requested. Warehouse proprietors may refer to 19 CFR 19.12 for inventory control and record keeping system for the applicable class of warehouse.

If paper submission of the required documentation was made at the port of entry, CBP personnel will upload the Permit File folder, Activity Summary or formal notification of the final withdrawal into DIS. Prior to submission, the proprietor must ensure the accuracy of the summary report and that all supporting documentation is on file and available for review if requested by CBP.

Note: CBP is not required to request the information above for the final warehouse withdrawal entry. CBP expects the trade community to submit this information without being asked to do so. For reporting a final withdrawal, the submission through DIS of the “Permit File Folder” by the warehouse proprietor is required, as confirmation for closing of the warehouse entry. CBP is not responsible for delayed process due to incomplete submission of information. Please refer to the [ACE Document Image System \(DIS\) Implementation Guide](#). This guide provides the message formats and technical specifications necessary to electronically transmit data to CBP's automated systems.

Other Warehouse Withdrawals

Regulations and procedures for warehouse withdrawals made on textiles or quota merchandise for consumption remain the same, per 19 CFR 144.34(b).

13.5 Requesting warehouse withdrawal extension beyond the five-year end date

Effective January 16, 2021, trade users may request warehouse withdrawal extensions beyond the five years end date extension. The filing of a “proper request and good cause being shown” is a precondition for CBP approval and the granting of the extension 19 C.F.R. § 144.5; 19 U.S.C. § 1557(a)(1). Request must be received in writing within the five-year bonded warehouse period from the date of importation, although it is expected that most requests for extending the warehouse period would be submitted in the fifth year. If good cause is shown, the Port Director/Center Director may extend the five-year time limit.

These extensions apply to the five years warehouse time period to submit warehouse withdrawals. This is not referring to liquidation extensions.

Trade users must complete and submit a separate request for each warehouse entry to CBP. Requesting the extension for a warehouse entry type 22 beyond five years expiration end date will not apply to the original warehouse entry type 21 and vice versa. Trade users should be mindful that when CBP extends the withdrawal date on one entry type does not automatically extend it on the other. Removing the extension on one entry type also does not remove it on the other. A request for extending beyond the five-year warehouse withdrawal end date extension will not be granted by CBP if:

- The warehouse entry summary is **not** an Entry Type 21 or 22
- The warehouse entry summary has a final withdrawal reported
- The warehouse entry summary is pending liquidation
- The warehouse entry summary is not in CBP control and accepted status
- The request for extension request is received after the five-year bonded warehouse period has expired i.e., it is more than five year from the date of importation
- The request for extension request is received after the previously approved extension has expired

- The warehouse entry summary has unpaid duties or charges on the entry and/or associated withdrawals

13.6 Reports

The warehouse extension functionality discussed in sub-section 13.4 does not provide e-mail notification to the trade users when an extension has been granted. Data elements have been added to the ES-007 Warehouse Entry Summaries without Final Withdrawal and the ES-009 Warehouse Entry Summary Alert Reports. Trade users are able to leverage these reports to see end dates for warehouse entry summaries and the extended end date.

Chapter 14

Drawback

The Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) requires drawback claims to be submitted and processed electronically. The Automated Commercial Environment (ACE) will be the sole electronic data interchange system in which to file drawback claims.

Note: For guidance on pre/non-TFTEA drawback processing, please refer to “[Appendix 2](#)”.

14.1 TFTEA

TFTEA drawback claims will be entered into ACE as entry type ‘47’ with the applicable code/statutory provision.

In ACE, codes 51-75 are TFTEA provisions:

ACE CODE	TFTEA PROVISION	TFTEA PROVISION DESCRIPTION
51	TFTEA 1313(a)	TFTEA Direct Identification Manufacturing Drawback
52	TFTEA 1313(b)	TFTEA Substitution Manufacturing Drawback
53	TFTEA 1313(c)(1)	TFTEA Rejected merchandise that does not conform to sample or specifications
54	TFTEA 1313(c)(2)	TFTEA Rejected merchandise that has been shipped without the consent of the consignee
55	TFTEA 1313(c)(3)	TFTEA Rejected merchandise that has been determined to be defective at the time of importation
56	TFTEA 1313(c)(4)	TFTEA Rejected merchandise that was ultimately sold at retail

57	TFTEA 1313(d)	TFTEA Flavoring extracts; medicinal or toilet preparations; bottled distilled spirits and wines (Internal revenue tax on flavoring extracts and medicinal or toilet preparations (including perfumery manufactured from domestic tax paid alcohol))
58	TFTEA 1313(j)(1)	TFTEA Direct identification unused merchandise drawback
59	TFTEA 1313(j)(2)	TFTEA Substitution unused merchandise drawback
60	TFTEA 1313(p)	TFTEA Substitution of finished petroleum derivatives
61	TFTEA 1313(b)(p)	TFTEA Manufactured petroleum derivatives
62	TFTEA 1313(b)(p)/1309	TFTEA Manufactured petroleum derivatives/Supplies for certain vessels and aircraft
63	TFTEA 1313(p)/1309	TFTEA Substitution of finished petroleum derivatives/Supplies for certain vessels and aircraft
64	TFTEA 5062(c)	TFTEA Distilled spirits, wines, or beer which are unmerchantable or do not conform to sample or specifications
65	TFTEA 1313(j)(1)/1313(q)	TFTEA Direct identification unused merchandise drawback/Packaging material
66	TFTEA 1313(j)(2)/1313(q)	TFTEA Substitution unused merchandise drawback/Packaging material

67	TFTEA 1313(c)(1)/1313(q)	TFTEA Rejected Merchandise that does not conform to sample or specifications/Packaging material
68	TFTEA 1313(c)(2)/1313\q)	TFTEA Rejected merchandise that has been shipped without the consent of the consignee/Packaging material
69	TFTEA 1313(c)(3)/1313(q)	TFTEA Rejected merchandise that has been determined to be defective at the time of importation/Packing material
70	TFTEA 1313(c)(4)/1313(q)	TFTEA Rejected merchandise that was ultimately sold at retail/Packaging
71	TFTEA 1313(a)/1313(q)	TFTEA Direct Identification Manufacturing Drawback (Articles made from imported merchandise)/Packaging material
72	TFTEA 1313(b)/1313(q)	TFTEA Substitution Manufacturing Drawback (Substitution for drawback purposes)/Packaging material
73	TFTEA 1313(j)(2) NAFTA Exemptions	TFTEA Substitution unused merchandise drawback NAFTA Exemptions
74	TFTEA 1313(j)(2) WINE ALTERNATE STANDARD	TFTEA Substitution unused merchandise drawback TABLE WINE. (ONLY for alternative substitution standard in 19 CFR 190.32(d).)
75	TFTEA 1313(b) SOUGHT CHEMICALS	TFTEA Substitution Manufacturing Drawback SOUGHT CHEMICALS

TFTEA claims may be filed up to 5 years after the date of importation of the merchandise that is identified or designated as the basis for the drawback claim. (For TFTEA 1313(d) claims, which have no associated imported merchandise, the filing deadline is 3 years after exportation.) *ACE will automatically reject untimely filed claims; with the untimely imports/exports).*

14.2 Elements of a “complete claim”

A complete drawback claim shall consist of a successful claim acceptance in ACE and the successful upload of mandatory documents into the Digital Image System (DIS). Documents must be uploaded within 24 hours of claim acceptance in order to maintain the claim date generated by the ACE submission.

The following, amongst other information as specified in the draft CATAIR, must be provided when filing a TFTEA claim:

- Drawback Entry #
- Filing Port Code
- Claimant ID #
- Drawback Provision
- Drawback Claim Date
- Total Drawback Amount Requested
- Import Entry Summary Line Level Data, including 10-digit HTSUS/Schedule B HTSUS Data (*Add ‘00’ to 8-digit HTS, if necessary*)
- Information on Exportation or Destruction
- Information on NAFTA/USMCA (As applicable)
- Notice of Intent to Export or Destroy (As applicable)
- Quantity/Unit of measure (*Must match UOM on import entry or import commercial invoice, as applicable (See section 14.3 Line Level Data). If the Drawback claim has a different UOM than the original import entry, it will result in an invalid UOM reject. Report the original UOM with fractional amounts. The quantity field in ACE does allow for up to four decimal points.*)
- Duties, Taxes, and Fees Paid on Imported Merchandise

- Entered Value per Unit (*calculated differently for direct identification and substitution claims*).

Note: In respect to destroyed merchandise, the value of recovered materials (including the value of any tax benefit or royalty payment) must be deducted from the destroyed merchandise value which is the basis of the drawback refund.

- Import Tracing Identification Number (ITIN) - unique identification number used to associate the imported merchandise and any substituted merchandise with any intermediate products (if applicable) and the drawback-eligible exported or destroyed merchandise or finished article(s). (See CATAIR for guidance on constructing ITIN)
- Manufacture Tracing Identification Number (MTIN) - unique identification number used to associate the manufactured merchandise, including any intermediate products, with the

drawback-eligible exported or destroyed finished article(s). (See CATAIR for guidance on constructing MTIN) (As applicable)

- Ruling Numbers (As applicable)
- Product Description: Please see the reporting requirements and examples below:

Direct Identification: Provide a physical description of the merchandise/article sufficient to tie to the corresponding import and export commercial invoice; including any model, style or part numbers and/or grades, colors, and sizes. (The 41 and 71 records must adhere to the above standard).

Example 1: “shirt” (currently on claims)

Men’s shirts of cotton: 6105.10.0010

Style: 8563

Color: Black

Size: M

Correct Drawback Claim product description: Men’s Cotton Shirt-8563/Black/M **or** Men’s Shirt-8563/Black/M

Example 2: “makeup” (currently on claims)

Eye make-up preparations: 3304.20.000

Style# 6573 Color Theory Makeup Kit for Eyes and Lips

Correct Drawback Claim product description: Color Theory Makeup Kit for Eyes/Lips-6573 **or** Color Theory Makeup Kit-6573 **or** Makeup Kit-6573

Substitution Unused: The 41 and 71 record listed in the CATAIR will differ, please see below:

41 Record: Provide a physical description of the merchandise that meets the commodity description. This description can be the HTS description. The commodity description should distinguish the merchandise from commodities of the same name. (Note: The description should provide the DS with an accurate representation of the designated merchandise.)

71 Record: Provide a physical description of the substituted merchandise sufficient to tie to the selling price and its associated documentation.

Example 1: Motor Cars

	fix		Quantity	General		Special	
8703 (con.)		Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars: (con.)					
		Other vehicles, with spark-ignition internal combustion reciprocating piston engine: (con.)					
8703.24.00		Of a cylinder capacity exceeding 3,000 cc.....	2.5%			Free (A+, AU, B, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	10%
	10	Ambulances, hearses and prison vans.....	No.				
	30	Motor homes.....	No.				
		Other:					
		New:					
		Having engines with not more than 4 cylinders:					
	32	Of an interior volume not exceeding 2.4 m ³	No.				
	34	Of an interior volume exceeding 2.4 m ³ but not exceeding 2.8 m ³	No.				
	36	Of an interior volume exceeding 2.8 m ³ but not exceeding 3.1 m ³	No.				
	38	Of an interior volume exceeding 3.1 m ³ but not exceeding 3.4 m ³	No.				
	42	Of an interior volume exceeding 3.4 m ³	No.				
		Having engines with more than 4 cylinders but not more than 6 cylinders:					
	52	Of an interior volume not exceeding 2.8 m ³	No.				

Tariff Description: 8703.24.0052 – Having engines with more than 4 cylinders but not more than 6 cylinders: 52 Of an interior volume not exceeding 2.8 m³.

Correct Drawback Claim Description:

41 Record: Motor Cars and other motor vehicles principally designed for the transport of persons. (For simplification and character count, “Motor Cars” will be sufficient.)

OR

Convertible Model F500

71: Record: Convertible Model F500

Example 2: Footwear

Heading/ Subheading	Stat. Suf- fix	Article Description	Unit of Quantity	Rates or Duty		
				General	Special	2
6403 (con.)		Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather: (con.)				
6403.91		Other footwear:				
6403.91.11	00	Covering the ankle:				
		Footwear made on a base or platform of wood, not having an inner sole or a protective metal toe-cap.....	prs.....	Free 1/		33 1/3%
6403.91.30		Other:				
		Welt footwear.....	prs.....	5% 1/	Free (AU, BH, CA, CL, CO, D, IL, JO, KR, MA, MX, OM, P, PA, PE, R, SG)	20%
	10	Work footwear:				
		For men.....	prs.....			
	25	Other.....	prs.....			
		Other:				
		For men:				
	35	With pigskin uppers.....	prs.....			
	40	Other.....	prs.....			
	80	For women.....	prs.....			
	91	Other.....	prs.....			
6403.91.60		Other:				
		For men, youths and boys.....	prs.....	8.5% 1/	Free (AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, R, SG)	20%
	10	Work footwear.....	prs.....			
		Other:				
		Tennis shoes, basketball shoes, gym shoes, training shoes and the like, for men:				
	30	With pigskin uppers.....	prs.....			
	40	Other.....	prs.....			
		Other tennis shoes, basketball shoes, gym shoes, training shoes and the like:				
	50	With pigskin uppers.....	prs.....			
	60	Other.....	prs.....			

Tariff Description: 6403.91.6010 – Work Footwear

Correct Drawback Claim Description:

41 Record: Work Footwear

71 Record: Style 123/ Men's /Black

Filers will be required, when applicable, to certify the following in ACE:

- Bill of Material/Formula
- Petroleum
- NAFTA/USMCA
- Substituted Unused Wine
- Oil Spill Tax
- Valuation of Destroyed Merchandise
- Accelerated Payment
- Waiver of Prior Notice

Claimants may file an electronic certification, within the claim export record, when an executed waiver/assignment letter is on file. The actual waiver/assignment letter may be requested and verified as required.

Where applicable, the following documents, which are required as part of a complete claim, must be successfully uploaded in DIS within 24 hours of ACE acceptance:

- CBPF 7553 - Notice(s) of Intent to Export, Destroy, or Return Merchandise for Purposes of Drawback
- For 1313(c) - Documents to establish that merchandise did not conform to sample or specification, was shipped without the consent of consignee, or was defective as of the time of importation.
- For 5062(c) - certification of the importer setting forth in detail the facts that cause the merchandise to be un-merchantable.
- For 1313(d) - Production Exhibit
- Foreign Trade Zone Admissions - CBP Form 214 for manual filings. For electronic filings, a copy of the ABI Activity Receipt which includes the Admission Number.

Note: In circumstances when the number of CF 214's required to be uploaded for a singular drawback claim become too burdensome (10 or more), CBP will allow the claimant to upload a recap worksheet that at minimum must contain a listing of the designated Admission Numbers and their respective import dates.

- TFTEA mixed claims (see 14.5)
- Oil spill tax: tax worksheet, tax return IRS Forms 720, 720x, and 662
- Quarterly HMF payments: CBP Form 349, CBP Form 350 when applicable, and the entry summary recap sheet.
- § 1309(b) claims: Notice of Lading and Master Declaration.
- NAFTA/USMCA support
- Assignment letter, unless certified in claim ('Waiver' checkbox located in the export record).
- § 1592(d) Payments utilizing the 'Adjusted Claimed Amount' field: entry application spreadsheet (Appendix H of the CATAIR)
- Reconciliation entry spreadsheet (Appendix G of the CATAIR) for the following circumstances:
 - Reconciliation resulted in a refund.
 - Reconciliation resulted in additional payments that are claimed in the adjusted claimed amount field.
- Prior Disclosure spreadsheet (per the Drawback CATAIR Appendix H) for the following circumstances:
 - Utilizing the 'Adjusted Claimed Amount' field.
 - Additional funds tendered.

Circumstances where funds cannot be designated:

- Prior disclosure funds where the loss of revenue was derived by sampling.
- Funds tendered in a prior disclosure where an offset was utilized.

Note: Paper certification is required when an electronic, mandatory certification is not made.

Optional: Cover sheet with point of contact information (name, address, e-mail and phone number). This information although not required, is helpful to ensure the timeliness of responses.

Note: The documents listed are not all-inclusive but are required documents that are subject to the specific drawback provision. See the DIS Implementation Guide for forms and document codes.

Filers will certify, via electronic signature in ACE that required documents will be uploaded into DIS in conformity with the TFTEA definition of a complete claim.

Drawback Specialists will perform an initial review, no later than the end of the next business day after submission of documents, to verify completeness and sufficiency of documents. Drawback Specialists will notify filer via email, phone, and/or by U.S. mail of missing, incomplete or unsatisfactory documentation. The claim is deemed incomplete.

In order to substantiate a transfer of merchandise, the claimant must maintain proper documents generally kept in the normal course of business that details the following information:

- Party to Whom merchandise was delivered
- Date of Delivery
- Import Entry and Line number
- Quantity
- Total duties, taxes, and fees
- Date of Importation
- Port of entry
- Person who received merchandise (19 USC 1313(c)(ii) ONLY)
- Description of Merchandise
- 10-digit HTSUS

Under TFTEA, HTSUS based standards replace commercial interchangeability and same kind and quality requirements:

- Substitution under 19 U.S.C. 1313(b), manufacturing drawback claims, requires that the substituted merchandise used in manufacturing be classifiable under the same 8-digit HTSUS subheading number as the designated imported merchandise.
- Substitution under 19 U.S.C. 1313(j)(2), unused merchandise drawback claims, requires that the substituted merchandise be classifiable under the same 8-digit HTSUS subheading number as the imported merchandise, except that:

- For 19 U.S.C. 1313(j) (2) claims, there are restrictions with respect to HTSUS basket provisions (i.e., subheadings with descriptions that begin with the term “other”)
- Specifically, merchandise cannot be substituted if the textual description at the 8-digit HTSUS subheading number begins with the term “other”, unless the imported merchandise and the substituted merchandise are both classifiable under the same 10-digit HTSUS number and the description for that 10-digit HTSUS statistical reporting number does not begin with the term “other”.

Claimants may seek administrative rulings on the HTSUS classification for all potential drawback-eligible goods, even if they are not for importation, in accordance with 19 CFR 177.

All supporting records related to drawback claims must be maintained three years from the date of liquidation, in accordance with TFTEA drawback laws. *Unsubstantiated claims will be denied.*

ACE will issue an informational message indicating that a one-time waiver (OTW) is required. Upon receipt of that message, claimants have 30 days to present the OTW approval to CBP. (For pending OTW, space fill in ACE).

For TFTEA drawback claims, ACE is designed to validate claim data at the line level of the underlying consumption entry. TFTEA claims must contain line level data for underlying consumption entries, to include the 10-digit HTSUS subheading UOM (see note), quantity, rate of duty, tax and entered value.

Claimants designating monies that were paid on the designated merchandise through a prior disclosure, a § 1592(d) duty demand, or through an additional reconciliation payment, must utilize the ‘Adjusted Claimed Amount’ field. Reconciliation and Adjusted Claim Worksheets must be uploaded within 24 hours if affecting the aggregate claimed amount.

Note: TFTEA direct identification claims, (1313(j)(1), 1313(a) and packaging material), may designate invoice unit of measure (UOM) in lieu of the UOM corresponding to the HTS for the imported merchandise. The UOM used must be listed in Appendix C of the Drawback CATAIR. In addition, claims filed under 1313(j)(1) and packaging materials, the UOM must correspond to the UOM for the exported or destroyed merchandise.

14.3 Provision Designation Limitations

Imported merchandise on a single-entry summary line item must not be designated as the basis for both direct identification (refunds based on invoice values) and substitution drawback (refunds based on per unit averaging) claims.

The type of designation (Direct Identification/Substitution) that is first filed on the entry summary line will determine the type of provision that can be used to file a drawback claim until all drawback benefits on that line have been exhausted.

Transferors should inform transferees, when known, of any previous claims and the line designation type.

If the filer enters an incorrect designation, the claim will be rejected, and must be corrected before being resubmitted.

Both the importer and claimant are “joint and several” liable for mistakes on drawback claims.

14.4 Mixed Claims

Mixed use claims are TFTEA substitution drawback claims (refund calculation based on per unit averaging) that designates an entry summary line item from import entries previously designated on a non-TFTEA drawback claim (refund calculation based on invoice values).

The two calculation methodologies, per-unit averaging and invoice value calculations, are not mathematically compatible when computing duty on an import entry summary line and may create a revenue risk for CBP.

When filer transmits a TFTEA substitution drawback claim in ACE, an informational message is generated to identify the use of a mixed claim.

An entry summary line item will be allowed for use on the TFTEA substitution claim only if it can be documented by the claimant that the line item was unused on the non-TFTEA claim.

Claimants must provide the following information via a DIS-upload ONLY within 30-days from the date that the filer receives a mixed-use informational message in ACE:

- Summary document that shows which lines on the import entry summary have been used on past core non-TFTEA drawback claims.
- Import entry summary and associated invoices.
- All prior drawback claims that designated the import entry; and
- All relevant post summary corrections for the import entry/perfections of the prior drawback claims.

14.5 System Validations and Rejections

If a claim has passed all validations, the filer will receive an automated message stating the claim was successfully accepted.

If CBP rejects an ABI claim submission, filers will receive an automated message identifying the data elements that caused the rejection.

If the filer receives a system rejection, the filer should first refer to the error dictionary to troubleshoot error codes. If unresolved, filers may contact the Drawback Office for assistance with errors that are of a regulatory or operational nature or contact the Client Representative for assistance with technical, software of ACE issues.

Rejected claims should be corrected and resubmitted, ensuring that all underlying claims are within the five-year filing period.

If the filer or Drawback Office discovers discrepancies in the ACE record input and/or documentation submitted in DIS after claim passes ACE validations, Drawback Offices and filers will work together to resolve issues. For assistance, filer should contact the Drawback Office where the claim was filed. Drawback Offices will contact filers and claimants via email, phone, or ACE portal.

14.6 UOM X

ACE will validate that the UOM=X matches the UOM=X on the import entry summary and drawback claim. Claims with UOM=X may require manual review by Drawback Specialists. Drawback Specialists may issue CBP form 28, Request for Additional Information, to the filer for documents to assist in UOM validations.

14.7 Action Indicators ‘X’, ‘T’, ‘E’ and ‘D’

The CD/CMD is obsolete, however data fields in ACE are used to document movement of merchandise (export, destruction, manufacturing for transfer, and transfer) that is the subject of the drawback claim.

When action indicators ‘X’ and ‘T’ are used, manufacturing ruling number and date used are required (except transfer only).

Action indicator ‘X’ is used for designated merchandise that has been used in a manufacturing process and will not be transferred to a separate legal entity prior to exportation or destruction.

Action indicator ‘T’ is used when merchandise and drawback rights have been transferred to a separate legal entity; or merchandise and drawback rights have been transferred to a separate legal entity for manufacturing.

Action indicator ‘T’ may also be used for merchandise when drawback rights have been transferred only (i.e., direct unused).

Action indicator ‘D’ is used for designated merchandise that has been destroyed.

Action indicator ‘E’ is used for designated merchandise that has been exported.

ACE will notify the filer of indicator errors. For example, action indicators ‘E’ and ‘D’ cannot be used on the same record, as goods cannot be exported and destroyed.

14.8 Accelerated Payment (AP), Bonds and E-Bond

Active 1A bonds will be filed through E-bonds in ACE.

Accelerated payment will be authorized when a claimant is approved for accelerated payment privileges and the payment is secured by a sufficient 1A bond.

Duties, taxes and fees are eligible for accelerated payment, however, fees under Appendix D of the CATAIR are not eligible for AP. If these fees are included on a drawback claim where AP is requested, the entire claim will be AP ineligible.

AP is not authorized when the claim is transmitted with an insufficient or inactive bond, a provisional ruling number, or an unapproved class code (not all inclusive). In such cases, ACE will remove the AP request prior to accepting the claim. Once rectified, the claim may be resubmitted for AP.

If the requirements for a complete claim (i.e., insufficient documentation, missing NOI, etc.) are not met prior to payment certification by CBP, AP will be unset by a drawback specialist. Once unset, AP cannot be added back, disallowing AP privileges throughout the life of the claim.

A certification of conformity, via electronic signature in ACE, allows claimants to operate under TFTEA using the same AP privileges granted under 19 CFR Part 191 prior to February 24, 2018. Claimants may only operate under the provisions in which AP was previously granted or as described below.

Claimants that had AP privileges under 19 USC 1313(j)(1), also received AP privileges under 19 USC 1313(j)(2) under TFTEA. The standard for 1313(j)(1) is much higher than 1313(j)(2), and so CBP allowed this expansion of 1313(j)(1) privileges granted under 19 CFR Part 191 to include 1313(j)(2) privileges. This expansion will not carry over to privileges granted under 19 CFR 190.

Eligible claims are certified for accelerated payment within 3 weeks of claim acceptance by CBP.

Claimants submitting claims with Accelerated Payment must be aware that if the claim date is before the continuous bond's effective date, the system will not recognize the continuous bond; claimant will need an STB in order for the payment to be processed.

14.9 Limited Modification of Manufacturing Rulings

Manufacturing rulings were modified to comply with TFTEA, as rulings issued under 19 CFR Part 191 did not fully conform to the new statutes and future regulations promulgated under TFTEA.

Certification must be provided in ACE to confirm that all TFTEA-drawback claims made under the subject manufacturing ruling will be in conformity with applicable statutory and future regulatory requirements.

Limited modification applications to update manufacturing rulings to comply with TFTEA must have been submitted no later than February 23, 2019. Any manufacturing rulings for which applications for limited modifications had not been received by that date are not be eligible for TFTEA drawback claims. Claimants, manufacturers or producers must submit a request for a new ruling.

Applicants will be notified in writing of CBP's determination. Request for additional information may be required in order to satisfy the new requirements under TFTEA. If approved, claimants will receive an updated ruling number. Applications resulting in denial will be provided with such reasoning and will have the opportunity to appeal in writing within 30 days of the date of the letter.

14.10 Waiver of Prior Notice (WPN) Privileges

Under TFTEA, there are no changes to current privilege application processes. Privilege applications are still reviewed manually.

Claimant will receive WPN privileges under TFTEA for the same provision in which WPN was granted under 19 CFR Part 191.

Claimants that had WPN privileges under 19 USC 1313(j)(1), also received WPN privileges under 19 USC 1313(j)(2) under TFTEA. The standard for 1313(j)(1) is much higher than 1313(j)(2), and so CBP allowed this expansion of 1313(j)(1) privileges granted under 19 CFR Part 191 to include 1313(j)(2) privileges. This expansion will not carry over to privileges granted under 19 CFR 190.

Claimants that have 1313(j) (2) WPN privileges, but do not have 1313(j) (1) WPN privileges must submit an application to the Drawback Office to be granted 1313(j) (1) privileges under TFTEA.

14.11 Post Entry Summary Actions and Impact on Drawback

For TFTEA claims, filers should report the original entry summary line-item data on claims, however, in some instances; filers may receive a mismatch fatal error message due to post entry summary changes (i.e., protest, post summary correction, reconciliation) that altered the original underlying entry summary data.

CBP policy directs the roles and responsibilities of processing post entry summary actions to the Entry Specialists and Import Specialists at the Centers.

Filers should contact their ABI Client Representative for assistance, when a mismatch fatal error occurs that prohibits the acceptance of the claim in ACE. If you do not have a Client Representative assigned, please reach out to the Client Representative Branch:
gmb.clientrepoutreach@cbp.dhs.gov.

Drawback Specialists are able to view entry summaries that are the subject of post entry summary actions to assist filers with obtaining the appropriate entry summary data for filing claims.

Post Summary Corrections (PSC) are submitted to CBP within 300 days of liquidation of entry summary. The PSC replaces the old entry summary. Filers should use the most up to date information when filing drawback claims.

A reconciliation entry (entry type 09) will be filed to reconcile flags, 12 months from import date for FTA and 21 months after entry summary filing date for 9802, value, classification or combination thereof.

- A drawback claim may only be filed after all entry summary flags have been reconciled (entry type 09). For the following claim types, filers must complete the spreadsheet found in Appendix G of the CATAIR and upload to DIS within 24 hours of claim acceptance: claims where reconciliation resulted in a refund; claims where there is an increase in the value of the reconciled import entry line and the increase, or a portion of the increase, is claimed.
- For Reconciliation that resulted in no change or a refund to the importer, filers must proportionately calculate the drawback based upon the final Reconciliation payment and input that amount into the 'Claimed Amount' and 'Calculated Amount' input fields.
- If reconciliation resulted in an additional payment to CBP, filers must proportionately calculate the drawback based upon the original duty payment and the additional payment; the portion calculated on the original payment will be entered in the 'Claimed Amount' and 'Calculated Amount' input fields, and the additional payment will be entered proportionately into the 'Adjusted Claimed Amount' field.
- Import entry line items covered by blanket (aggregate) reconciliation entries are not eligible for additional drawback refunds.

Importers are required to submit true and accurate information to CBP, including dutiable elements. If it is determined that sufficient duties, taxes or fees were not paid at the time of importation, a prior disclosure with tender may be submitted to CBP.

As outlined in 19. U.S.C § 1514, interested parties may file protests for clerical errors, mistakes of fact, or other inadvertences and decisions made by CBP. Protests are submitted in the protest module in ACE within 180 days of liquidation or re-liquidation. If the Import Specialist agrees with the protest, changes are made in ACE by the Import Specialists and the entry summary is re-liquidated. When processing drawback claims, Drawback Specialists will review decisions made on protests to determine if changes to duty, classification, or value affect drawback.

If the drawback claim would have otherwise been properly and timely filed with the required documents to complete the claim (per TFTEA definition of a complete claim), and no other chronic fatal errors would have prevented acceptance in ACE, CBP may backdate the claim to the attempted submission date.

14.12 Request for Additional Information

When additional documentation is needed, CBP will initially send a CBP Form 28 to the filer, claimant or both -via the ACE Secure Data Portal, via U.S. mail, or both. Subsequent request may be sent via e-mail.

After acceptance in ACE, claims are filtered through the Automated Targeting System (ATS), CBPs risk assessment tool. Filer may receive an automated 'UC2' message stating, 'documents required'. No action is required until the actual CBP Form 28 has been received.

Filers shall submit responses to CBP form 28 into DIS only.

Upon request, records must be provided to CBP as outlined in CBP Form 28.

All responses (DIS uploads) may include the contact information of the official in the claimants' organization who is responsible for the oversight of the claimants' drawback program.

14.13 Amendments and Perfections

ACE does not allow for amendments and perfections by the filer after an ABI claim has been accepted by CBP and claim is in CBP status. Filer must contact the Drawback Office where the claim was filed for assistance when seeking to amend or perfect a claim.

The Drawback Office will place the claim back in Trade control for filer to make changes to the claim. Updated claims will be validated for acceptance.

Amendments are allowed within the 5-year filing period. Perfection is allowed before liquidation. Liquidated claims may not be amended or perfected; however, they may be protested.

Additional\supplemental documentation, when requested, must be uploaded into DIS.

14.14 Liquidation

For questions about claim liquidations, please contact the Drawback Office assigned to your entry.

For information regarding the Liquidation process, please review the ACE Business Rules section on "Liquidation".

Chapter 15

ACE Reports

15.1 ACE Reports Overview

The ACE Secure Data Portal can be accessed at:

[CBP.gov Ace Data Portal](https://www.cbp.gov/ace-data-portal)

Information for applying for an account is available at: [CBP.gov Applying for an Account](https://www.cbp.gov/ace-data-portal/apply)

If you need help establishing an ACE Portal account or have ACE account questions, please contact the ACE Help Desk by

Phone: (866) 530-4172

Email: ace.support@cbp.dhs.gov

ACE reports are available in the public workspaces. By clicking the link below, ACE reports Training, Video and User Guides are available to Trade: [ACE Training and Reference Guides | U.S. Customs and Border Protection](#). Running Standard Reports or creating Ad Hoc Reports are tools available to Trade to facilitate entry summary queries as well as monitor compliance with Customs.

Entry Summary (ES) universe and various ACE canned reports are available. The universe and set of standard reports provide users the ability to query a robust set of data elements for both ACS and ACE sourced entry summaries. The following **Entry Summary (ES)** universe standardized reports are available in ACE Reports.

- Entry Summary & Entry Summary New
- AD/CVD Entries
- AD/CVD Reference
- Drawback & Drawback New
- Liquidation & Liquidation New
- Reconciliation & Reconciliation New
- Trade Remedy & Trade Remedy New

These standard reports are intended to serve as a template to guide users in constructing reports for commonly requested data pertaining to entry summary filings.

15.2 ACE Reports Information and Training

[ACE Reports Information Notice | U.S. Customs and Border Protection](#)

Data definitions for all ACE data elements, descriptions of the standard reports available as well as updated versions of the "ACE Reports Data Dictionary - Trade" and the "ACE Reports Catalog - Trade" can be accessed through the ACE Portal by logging in to their broker or importer account.

The “ACE Reports Catalog - Trade” is a reference guide available to Trade and it is designated to enhance the understanding of ACE reports by identifying, categorizing, and describing public “canned” reports.

Note: The **ACE Reports Data Dictionary** is a reference guide designed to enhance the understanding of ACE Reports by clearly defining data universes and data objects available to system users. It is meant to assist users in identifying data sets and/or specific objects that best fulfill a particular business need and to encourage overall use of the reporting tool. The dictionary does not list each individual public “canned” report available to users; this information is available in the **ACE Reports Catalog**.

Training information on running Standard ACE reports and using Ad Hoc reporting capabilities including videos that will walk new users through ACE reports can be found in the following link: [CBP.gov ACE Reports Training and Reference](#). Brokers and Importers can navigate ACE reports from the ACE Portal by accessing their broker or importer account.

Chapter 16

Defense Contract Management Agency (DCMA) Entries

16.1 Processing DCMA Entry Summaries

The Defense Contract Management Agency (DCMA) is the Department of the Defense (DoD) component that works directly with Defense suppliers to help ensure that DoD federal and allied government supplies and services are delivered on time within the United States.

DCMA entries allow duty free treatment for articles for military departments when the materials are certified to the Commissioner of Customs.

Pursuant to 19 CFR 10.102(a) duty-free certification is required to admit articles free of duty under HTS 9808.00.30. Duty-free certificates must be reviewed against the entry summary while processing importations via ACE for which a claim for duty free status is made under the U.S. Harmonized Tariff Schedule and classified as 9808.00.30.

To request a duty-free certificate for commercial shipments, users must register for the Duty-Free Entry (DFE) eTool by going to the DCMA home page at www.dcms.mil, go to the "eTools" tab, and then click on the Customer Registration (External Web Access Management) link. This will lead users into the registration process for access to the Duty-Free Entry (DFE) eTool.

The importer or authorized agent will send request to the DCMA New York office, via the eTool system, the entry/entry summary data filed with CBP, invoice and the shipping documents with the government contract number, order number, HTS and the alternate duty rate/duty amount. DCMA will furnish to the importer or authorized agent an original duty-free certificate or a duty-free denial via the return email of the DFE eTool. The importer or authorized agent will submit the duty-free certificate received from DCMA-NY to CBP via DIS. If a duty-free certificate is not submitted to CBP within six months from the date of entry or release under the immediate delivery release procedures, the entry will be liquidated dutiable with the applicable HTS. The importer or authorized agent must maintain on record the duty-free certificate received from DCMA New York.

If the importer is unable to obtain the duty-free certificate, a post summary correction (PSC) must be filed to pay duty on the entry. Entry Type 51 summaries are filed by DCMA (Defense Contract Management Agency).

Note: For inquiries related to DCMA commercial or military shipments, a new DCMA's Duty Free Entry Team Group Inbox is available: dcma.stlouis-mo.hq.mbx.duty-free-entry@mail.mil

If the importer is unable to obtain the duty-free certificate, a post summary correction (PSC) should be filed to remove the 9808.00.30 change the entry type and pay the appropriate duty. If a PSC is not filed, CBP will ensure the entry summary is edited to correct the classification and assess the appropriate duties. Entry Type 51 summaries are filed by DCMA. If needed, a PSC may be filed to remove HTS 9808.00.30, and change the entry type 51 to entry type 01, 02, and 52 and pay the appropriate duty.

Chapter 17

North American Free Trade Agreement (NAFTA) and United States-Mexico-Canada Agreement (USMCA) Duty Deferral

17.1 NAFTA and USMCA Duty Deferral

Duty Deferral entry summaries are identified by entry type code, 08. NAFTA and USMCA Duty Deferral is defined as any good that has been imported into a NAFTA or USMCA country under a duty deferral program, (Foreign Trade Zone (FTZ), Bonded Warehouse, or Temporary Importation Under Bond (TIB) entered under HTS subheading 9813.00.05) and is manufactured, changed in condition, and is subsequently exported to the territory of another NAFTA or USMCA country. Such a good shall be assessed U.S. Customs and Border Protection (CBP) duties as if the exported good had been withdrawn for domestic consumption. The duties due upon export include anti-dumping duties and countervailing duties (ADD/CVD), agriculture fees, and merchandise processing fees (MPF).

The following processes are not considered a change in condition provided that the operation does not materially alter the characteristics of the good.

1. Mere dilution with water or another substance.
2. Cleaning including removal of rust, grease, paint or other coatings.
3. Application of preservative, including lubricants, protective encapsulation, or preservation paint.
4. Trimming, slitting, filing or cutting.
5. Putting up in measured doses, or packing, repacking, packaging or repacking; or
6. Testing, marking, labeling, sorting or grading.

The NAFTA and USMCA Duty Deferral Entry Program represents a two-part process. The first part represents the “NAFTA or USMCA Duty Deferral Entry” which will contain both header and detailed U.S. line-item information. This information is reported within 10 days of the date of export from the NAFTA or USMCA Country. The second part, due within 60 calendar days of export is the claim portion, represents the NAFTA or USMCA country entry information related to the exportation reported in the first part. The claim information will include the NAFTA or USMCA country line-item data. The filer should compare the duties paid in the NAFTA or USMCA country on the exported good to the duties owed in the U.S. on the imported foreign merchandise.

If the Canadian or Mexican duty is more than the U.S. duty owed, the filer is allowed to waive the entire U.S. duty obligation.

If the Canadian or Mexican duty owed is less than the U.S. duty owed, the filer is allowed to subtract the amount of Canadian or Mexican duty paid against the U.S. duty owed and pay the U.S. the remainder.

Chapter 18

Foreign Trade Zones (Entry Type 06)

18.1 Foreign Trade Zone Entry Summary in ACE

Entry and entry summary documentation covering merchandise being imported from a Foreign Trade Zone (FTZ) may be transmitted electronically to CBP. Procedures for filing electronic entries and electronic entry summaries are found in 19 CFR 143(d). Procedures for qualifying for ABI are specified in 19 CFR 143(a). Such entries must be filed through ABI (TD-90-92). Procedures for qualifying for ABI are specified in 19 CFR 143(a).

Foreign Trade Zone entry summary works the same way as it worked in ACS. Entry Summary will be filed for Foreign Trade Zones (FTZ), type 06, like a standard entry summary, ten working days after cargo release has been authorized by CBP, as set forth in 19 CFR 142.12 and 19 CFR 146.62(a). The following are some special instructions for completion of an entry type 06 entry summary filing.

- **Block 2 (Entry Type)** – Insert entry type code 06 or 08 (*NAFTA Duty Deferral*). This entry type code must be used for all merchandise transferred from a zone for consumption; including visa, and AD/CVD merchandise.
- **Block 8 (Importing Carrier)** – For merchandise arriving in the customs territory from a U.S. FTZ, Insert "FTZ" followed by the FTZ number.

Note: What is known as the “Foreign Trade Zone Identifier” on the electronic entry summary transaction should be provided in this block according to the format rules, which can be found in the following document: “[Entry Summary Create/Update Chapter of the ACE CATAIR](#)”.

Refer to “Note 2” of the 11-Record (Import) Entry Summary Header Content.

- **Block 13 (Manufacturer Identification Number - MID)** – When an entry summary covers merchandise from more than one manufacturer, record the word “MULTI” in this block, and the MID is to be reported at the HTS line level. In “Column 28”, indicate the MID Code corresponding to each line item. If there is more than one vendor for a particular HTS number, separate line items are required for each MID.

If the product is of foreign origin, or in privileged foreign status, provide the MID for the foreign manufacturer. If the product is manufactured in the zone use the following MID construction: [CD 099 3550-055, November 24, 1986](#), “Instructions for Deriving Manufacturer/Shipper Identification Code”

- **Country of Origin:** US
- **Manufacturer Name:** FTZ
- **Street Address:** Zone number (if subzone, place subzone designation in City field in front of zone User’s name)

Examples:

- Smith Manufacturing, Inc., located in FTZ 215, Subzone G [aka 215G]: USFTZ215GSM

- Jones & Co., located in General Purpose (acreage) Zone located in FTZ 220: USFT220JON

Note: Blocks 9, 11, 12, 14, 15, 16, 17, 19, and 20 should not be filled out.

18.2 Weekly Foreign Trade Zone Entry Summary

Entry summary for an entry type 06 (FTZ) transaction submitted as a Weekly Entry shall be filed in ACE within the time limit specified in 19 CFR 142.12(b); specifically, no later than the tenth business day following the first day of the FTZ Site Operator's 7-Day Zone Week, or, the date CBP authorizes cargo release of the merchandise covered by the 06 entry, whichever is later.

Reporting of Quantity and Value by HTS Line:

The entry summary on the CBPF 7501 filed in ACE must show, by HTS number, in **Block 31** the **quantity** (Net Quantity in HTS statistically required reporting units) and in **Block 32** the **value** of the merchandise, *actually* entered during the covered 7-day Zone Week period. 'Actually entered' refers to the merchandise which the Importer and FTZ Operator intend for entry to act as CBP authorization for its removal from the FTZ. The merchandise is not required to have already been physically removed from the FTZ at the time of the filing of the entry summary.

An entry summary shall **not** be accepted if:

- The entry summary contains HTS numbers, including but not limited to, HTS number/Zone Status/Country of Origin combinations which were not present on the corresponding CBP-authorized Cargo Release Weekly Entry submission.
- It does not include the reported quantity and value by HTS Line as specified above.

If a supplementary Weekly Entry transaction is filed to cover extra estimated entered merchandise during the 7-day period, a separate entry summary must be filed to cover that supplementary entry transaction.

Limitations and Prohibitions:

- Quota class merchandise is prohibited from weekly entry procedures.
- **Sugar-Processing Operations** – A weekly entry for estimated production shall not be accepted for any sugar or sugar-containing product which is subject to an absolute quota
- **Textiles and textile products** which are not eligible for weekly entry procedures due to restrictions found in 19 CFR 146.63(d).

18.3 Additional Foreign Trade Zone Information

For additional information about FTZ entry and entry summary can be found online at www.cbp.gov. These sources include: the "Foreign Trade Zone Manual", 19 CFR 146, and the instructions for the completion of CBP Form 7501.

Chapter 19

Trade Fair Foreign Exhibits (Entry Type 24)

19.1 Processing Trade Fair Entry Summaries

The Secretary of Commerce reviews, and approves or disapproves each request for Trade Fair status. The Secretary also designates the name of the fair, the place where the fair will be held, the date when the fair will open and close, and the name of the operator. If the request is approved, the Secretary notifies the Commissioner of CBP, authorizing the designation of the Trade Fair, and naming the operator of the Trade Fair prior to Trade Fair entries being filed. Title 19 CFR 147 governs the entry of merchandise intended for exhibition or use in constructing, installing, or maintaining foreign exhibits at Trade Fairs.

Trade Fair entries should be submitted under the name of the fair operator, at the port in which the fair is taking place, to CBP Center personnel for acceptance. Five copies of the Trade Fair entry, entry type 24, are submitted to CBP on a special entry summary form and placed in a red folder labeled "Trade Fair Entries". This special form is submitted unnumbered and contains information required in 19 CFR 147.11. CBP personnel manually create Non-ABI line-less Trade Fair entry summaries in new ACE. CBP personnel input line-less type 24 entry summaries with header data information only. For further guidance regarding non-ABI, entry summaries, please see Chapter 4, from the ACE Business Rules and Process Document.

Any articles entered for a fair, and not disposed of under the provisions of this subpart prior to the expiration of three months after the close of the fair shall be regarded as abandoned to the government, and subject to sale or destruction (19 CFR 147.47).

If merchandise from Trade Fairs is entered for consumption, the new formal consumption entry will close the Trade Fair with all applicable duties and fees. Trade Fair entries are not exempt from Harbor Maintenance Fee (HMF) pursuant to 19 CFR 24.24(c). Harbor Maintenance Fee that was paid on a Trade Fair entry should not be charged on the new consumption entry. All other duties and fees remain applicable on the consumption entry. ACE records will be updated indicating the new consumption entry number that closes the Trade Fair entry number and name of the **Trade Fair Operator**.

When merchandise from a trade fair is exported the following export documentation is acceptable:

- Immediate Exportation (IE) - Only acceptable if the lading portion is properly completed
- Customs Form 7512 Transportation and Exportation (T&E) - Only acceptable if submitted with the bill of lading showing export from the United States.

The fair operator shall be liable for the payment of any unpaid duties, taxes, fees, charges, or an exaction due on any article lost or stolen from the fair premises regardless of the operator's fault. If the broker/importer does not submit the closure documentation on the Trade Fair entry summaries or does not respond to a demand for redelivery, then liquidated damages shall be assessed against the Trade Fair operator as prescribed in 19 CFR 141.113 (g).

Chapter 20

Collections

20.1 Collections Scope

Collection processing occurs in ACS. Collection status updates in ACS are reflected in ACE. The process of duties/taxes/fees, the collection of supplemental payments, and collection of bills are all done in ACS.

- Original submission of payment: (single pay)
- Statement, ACH and non-ACH
- Supplemental payments (PSC, etc.)

Note: The trade is required to pay additional duties after an AD/CVD rejection upon re-submission of the entry summary on the 10th day.

20.2 Single Pay

ACE entry summaries must be paid via statement processing or single pay. For single pay; the trade must submit a CBP form 7501 or equivalent document with payment, when entries are taken off of statement for single payment.

20.3 Statement Non-ACH and ACH

ACE Statements Collections Release One Deployed, September 2019. For specific details on the release and information, please review the [Collections, Release One: Information Notice](#). Statements can be paid either with cash/single check or via Automated Clearing House (ACH). For statements paid on a check (not ACH), a copy of the statement must be submitted with the check payment, to the port of release for CBP manual processing.

If paying via ACH, no documents are necessary. The ACH statement collection is processed electronically with debit/credit payment.

20.4 Periodic Monthly Statement (PMS)

The periodic monthly statement (PMS), allows users to consolidate periodic daily statements and pay once a month.

<https://www.cbp.gov/trade/priority-issues/revenue>

Once a preliminary daily statement (*periodic daily or regular daily*) is generated for the entry summary, the entry summary is updated to “CBP” control.

Once an entry summary control status is “CBP”, ACE begins tracking the entry summary versions.

ACE entry summaries paid on a statement (*daily or monthly*) may have circumstances in which an ACE entry summary must be removed from a statement. For [guidance on removing entries from statement](#), please review [CSMS # 43387297](#).

After a debit authorization has been processed on a daily Periodic Monthly Statement (PMS), single pay is the only payment option for an entry summary removed from a PMS statement. If the entry summary is not scheduled for another statement, then the filer must submit payment, along with the 7501 equivalent document. Once CBP processes the collection, the entry summary control changes from Trade to CBP.

The filer will submit an ABI transmission to remove the entry summary from statement processing. The entry summary control will change from “CBP” to “Trade.” However, once the debit authorization is processed for a statement, the filer may not move an entry summary from that statement to another statement.

Duty Free Entry summary removed from a preliminary daily statement, and not placed on another statement, requires CBP personnel to manually place the entry summary in “CBP” control.

20.5 Supplemental Payments: PSC, Bills, Etc

When submitting supplemental payments, money should be submitted at the port of entry with a copy of a 7501 equivalent document. However, if the supplemental payment is submitted to a location other than the port of entry, there will be an increased processing time to post the payment to the entry summary.

For bill payments, a copy of the bill or a document with the bill number must be submitted with the money owed, to the port listed on the bill.

20.6 Available Reports

Current available reports for collections:

- REV-101 Monthly Statement Overview
- REV-102 Daily Statement Overview
- REV-103 Daily Statement Entry Summary List

ACE Reports Training can be found at;

<https://www.cbp.gov/trade/ace/training-and-reference-guides>

Chapter 21

Informal Entries

21.1 Informal Entries Overview

An informal entry is an entry with a value that does not exceed \$2,500. Informal entries liquidate within 24 hours and have no bond requirements. Restricted and/or prohibited merchandise, and merchandise which is subject to a quota or other quantitative restraints, is not permitted to be filed on an informal entry, and thus requires formal entry.

21.2 Informal Entry Processing

Since informal entries liquidate within 24 hours, they cannot be cancelled nor can a PSC be filed on an informal entry. If necessary, an importer may choose to file a protest if they feel that CBP has made an adverse decision against their informal entry.

The importer of record cannot be changed on informal entries. Use of a CBP Form 3347, Declaration of Owner, For Merchandise Obtained (Otherwise Than) in Pursuance of a Purchase or Agreement to Purchase, is restricted to formal entries only. If a CBP Form 3347 is received from the trade for an informal entry, the CBP user should notify the filer that their request has been rejected and cannot be updated.

Chapter 22

HTS Reporting For Multiple Classifications

22.1 HTS Multiple Classification Reporting

The purpose of this section is to outline the order of reporting in ACE for multiple Harmonized Tariff Schedule (HTS) on the same entry summary line, when a Chapter 98 or 99 HTS is required. ACE is the system of record for all entry summaries.

22.2 HTSUS Reporting Multiple Classification Guidance

An entry summary in which a heading or subheading in Chapter 98 and/or 99 is claimed on imported merchandise, the following instructions will apply for the order of reporting the HTS on an entry summary line.

HTS SEQUENCE:

- 1)** Chapter 98 (if applicable)
- 2)** Chapter 99 number(s) for additional duties
- 3)** For trade remedies:
 - a.)** First report the Chapter 99 HTS for Section 301
 - b.)** Followed by the Chapter 99 HTS for Section 232 or 201 duties (if applicable),
 - c.)** Followed by the Chapter 99 HTS for Section 201 or 232 quota (if applicable).
 - d.)** Chapter 99 number(s) for REPLACEMENT duty or other use (i.e., Miscellaneous Tariff Bill (MTB) or other provisions)
 - e.)** Chapter 99 number for other quota (not covered by #3) (if applicable)
 - f.)** Chapter 1 to 97 Commodity Tariff

22.3 Entered Value

The entered value of the commodity being imported on the entry summary line should be reported on the Chapter 1-97 HTS classification for the commodity being imported. Except if Chapter 98 reporting provisions require the entered value to be reported differently.

22.4 References

Questions from the importing community concerning ACE entry filing and rejections should be referred to their Client Representative.

Related Cargo System Messaging Service (CSMS) Messages No. [18-000621](#), [18-000606](#), [18-000575](#), and [39587858](#).

Other CSMS reference include:

- [18-000286](#)
- [18-000307](#)
- [18-000409](#)
- [18-000419](#)
- [18-000493](#)
- [18-000498](#)
- [18-000554](#)

Chapter 23

Downtime Procedures

23.1 Overview

Entry Summary downtime occurs when a trade member's system is inaccessible, or when a CBP computer system is unavailable to users (internal, external or both), and as a result, electronic processing of entry summaries, payments or other processes may not be completed in a timely manner.

The guidance in this section provides policy and processing for CBP and Trade downtime involving entry summary filing and payment only. The guidance does not include policy and processing for cargo release/cargo processing.

CBP recognizes that unforeseen circumstances, completely out of the control of importers, may result in the temporary impossibility of importers to comply with entry filing and/or payment due dates. CBP will take these factors into account when determining whether enforcement actions are warranted or appropriate. CBP expects that as soon as the unforeseen circumstances are resolved, importers will immediately file and/or pay without any further delay.

23.2 Policy

CBP will take into account difficulties, caused by weather-related incidents or trade downtime, when determining if it is appropriate to pursue liquidated damages for late filings and deposits.

This process is not all-inclusive, as unusual circumstances may be present, and alternative options may or may not be available.

23.3 Process

Weather Related Incidents:

In the event of trade interruptions resulting from hurricanes and other weather-related incidents. For potential weather-related issues, CBP encourages filers to schedule entry summary payments in advanced to the extent possible.

In those instances, where a weather-related incident results in a filer not being able to comply with the entry summary filing or payment deadlines, the filer should contact their assigned ABI Client Representative.

Trade Downtime:

In the event of a trade downtime incident for situations such as their filing system is inaccessible; the trade user sends a request for Trade downtime to their client representative. If determined appropriate, the client representative will issue internal guidance for consideration when liquidated damages are being assessed for impacted entry summaries.

Chapter 24

Create/Update Importer Identification Form (CBP Form 5106)

24.1 Create/Update Importer Identification Form (CBP Form 5106)

Members of the trade community use the “Create/Update Importer Identification Form”, commonly referred to as the “CBP Form 5106”, to register an entity as an Importer of Record (IOR). The latest version of the CBP Form 5106 can be found on [cbp.gov](https://www.cbp.gov/document/forms/form-5106-importer-id-input-record) at:

<https://www.cbp.gov/document/forms/form-5106-importer-id-input-record>

Registering as an IOR with CBP is necessary if an entity intends to be involved as an importer, consignee/ultimate consignee, sold to party, 4811 party, etc. on an informal or formal entry. Currently, individuals and organizations do not need to be registered as an IOR with CBP to make a section 321, also referred to as de minimis, entry. De minimis entries for shipments imported by one person on one day valued at \$800 or less.

24.2 CBP Form 5106 Identification Numbers

The number used to identify an IOR will be either an Internal Revenue Service (IRS) Employer Identification Number (EIN), a Social Security Number (SSN), or a CBP-Assigned Number. Depending on the identification number used to register an IOR, different requirements may apply.

EIN

Entities that have an EIN from the IRS should register their IOR using that number by entering it into block 1B of the CBP Form 5106. If an EIN is provided in block 1B, no selections needs to be made in block 1E. To be accepted, EINs must be provided on the PDF version of the 5106 in the following format:

XX-XXXXXXX

Note: EINs are the only IRS provided number that CBP accepts on the CBP Form 5106 and that a two character alphanumeric division suffix, that does not contain “O”, “Z”, or “I”, may be provided. For more information on division suffixes, please go to subsection 24.10.

SSN

Entities can register as an IOR using an SSN by entering it into block 1B of the CBP Form 5106. If an SSN is used to register an IOR, the name of the importer must match the name listed on the SSN card the IOR is associated with. Entities creating an IOR using an SSN can provide another company name using blocks 1C and 1D of the PDF version of the form. Information on how to use blocks 1C and 1D can be found in subsection 24.10 of this section. If an SSN is provided in block 1B, no selections need to be made in block 1E. To be accepted, SSNs must be provided on the PDF version of the 5106 in the following format:

XXX-XX-XXXX

Typically, individuals associate their IORs with SSNs. However, an organization, such as a corporation, partnership, sole proprietorship, etc., may also elect to use a valid SSN of one of its officers as its IOR identification number. For privacy reasons, CBP encourages entities to use an EIN to create an IOR whenever possible.

Note: CBP has added an option that allows individuals to use a CBP-Assigned Number in place of their SSN. Additional information on this process can be found in part 24.2.3 of this subsection.

CBP-Assigned Numbers

CBP typically gives CBP-Assigned Numbers to foreign entities that do not have an SSN or EIN. In most situations, CBP will only accept requests for a CBP-Assigned Number if its physical location address is foreign. When updating a CBP-Assigned Number using a PDF version of the 5106, it will only be accepted in the following format:

XXXXXX-XXXXX

Note: If an entity is located at a foreign physical location address but is a subsidiary or division of an organization with an EIN, it should not request a CBP-Assigned Number. Instead, it should follow the steps for requesting a new EIN division suffix as outlined in subsection 24.10 of this section.

As of March 16, 2019, CBP now gives members of the trade community the option of requesting a CBP-Assigned Number despite having an SSN. Members of the trade community who have an EIN should not request a CBP-Assigned Number, as doing so violates the requirements outlined in [19 CFR 24.5](#).

Using a CBP-Assigned Number in place of an SSN

The following steps outline how members of the trade community can request a CBP-Assigned Number for an individual with an SSN:

Step 1: In block 1E, the trade user selects the “I have an SSN, but wish to use a CBP-Assigned Number on all my entry documents”.

Step 2: In block 3J, the trade user provides the IOR owner’s title at the organization, full name (Last, First Middle Initial), direct phone number, email address, and SSN.

Note: Requesting that a CBP-Assigned Number be used in place of an SSN can also be done using the 5106 ACE Portal or ABI Functionality by following the same steps using the Portal/ABI equivalents.

Trade users who follow the steps above enables CBP to meet its IOR regulatory requirements (refer to [19 CFR 24.5](#)) of collecting either an SSN or EIN, when available, from the IOR while allowing him or her to use a CBP-Assigned Number on their entry documents.

Note: Only one CBP-Assigned Number can be requested per SSN for an individual who does not have an EIN. Individuals who have EINs are not eligible to request CBP-Assigned Number to represent the business entity associated with the EIN.

If a member of the trade community is currently using their SSN as their IOR number, they may request a CBP-Assigned Number to replace it. In these situations, CBP will void the old SSN based IOR and only accept the new CBP-Assigned Number based record.

24.3 CBP Form 5106 Create/Update Access

Licensed Customs Brokers, Self-Filers, and CBP Personnel must request permission to be able to process CBP Form 5106 create and update requests in ACE.

Non-self-filing importers or other members of the trade community who are interested in using a CBP Form 5106 to create or update an IOR will need to contact an entry specialist Team at the Centers of Excellence and Expertise (Centers) or personnel in the CBP Office of Finance (OF) Revenue Division. Please refer to subsection 24.5 (Submitting A CBP Form 5106 to CBP) for additional information.

Trade 5106 Portal and ABI access

Licensed Customs Brokers and Self-Filers can request that CBP grant access to the ACE CBP Form 5106 Portal and ABI functionality by following the instructions outlined on [cbp.gov](https://www.cbp.gov/trade/automated/getting-started) at:

<https://www.cbp.gov/trade/automated/getting-started>

24.4 ACE CBP Form 5106 Portal Versus ABI Limitations

Members of the trade community who use the CBP Form 5106 Portal will have certain limitations around CBP-Assigned Numbers that members who use the CBP Form 5106 ABI functionality will not have. The information below outlines these limitations.

CBP Form 5106 Portal

Only Licensed Customs Brokers will be able to create an IOR for an entity within the ACE Portal. Any other trade user who only has access to the 5106 Portal will need to follow the manual CBP Form 5106 submission procedures outlined in [subsection 24.5](#) of this section.

Note: The name of the “Certifying Individual” input into the portal should always be the individual who signed the form. If a Customs Broker with a Power of Attorney (POA) inputs a change without a signed form from their client, the name of the licensed Customs Broker who has the POA should be input as the “Certifying Individual”. The “electronic signature” checkbox will be for whoever is entered as the certifying individual.

CBP Form 5106 ABI

Licensed Customs Brokers who have access to the CBP Form 5106 ABI functionality will be able to request and update CBP-Assigned Numbers. Self-Filers are also able to use the 5106 ABI functionality to create or update IORs that are connected to their entity, including IORs associated with CBP-Assigned Number.

Note: The name of the “Certifying Individual” input into the ABI TL record should always be the individual who signed the form. If a Customs Broker with a Power of Attorney (POA) inputs a change without a signed form from their client, the name of the licensed Customs Broker who has the POA should appear as the “Certifying Individual” in the ABI TL record. The “electronic signature” checkbox will be for whoever is entered as the certifying individual.

24.5 Submitting A CBP Form 5106 to CBP

Licensed Customs Brokers, Self-Filers, and other members of the trade community who need to submit a CBP Form 5106, but do not have ACE portal or ABI access, can submit a filled out and signed CBP Form 5106 to either an Entry Specialist Team or OF Revenue Division. The latest version of the PDF/paper version of CBP Form 5106 can be found on cbp.gov at:

<https://www.cbp.gov/document/forms/form-5106-importer-id-input-record>

Entry Specialist Team

CBP Form 5106 Create or Update Request

Members of the trade community can request that an entry specialist team processes a CBP Form 5106 create or update request by submitting a completed and signed copy of the form to the team that has, at a minimum, all the mandatory data elements filled out on it. Entry specialists contact information is available via the Center Directory found on cbp.gov at:

<https://www.cbp.gov/trade/centers-excellence-and-expertise-information/cee-directory>

Note: Any entry specialist team can process a CBP Form 5106 create and/or update request, even if the IOR being created and/or updated does not import articles that will fall under the HTSUS statistical suffixes assigned to that Center. However, only the OF Revenue Division can update an IOR in “Frozen” status.

Office of Finance (OF)

CBP Form 5106 Create or Update Request

Members of the trade community can request that the OF Revenue Division process a CBP Form 5106 create or update request by emailing a signed copy of the latest CBP Form 5106 with, at a minimum, all the mandatory data elements filled out to bondquestions@cbp.dhs.gov.

Note: When possible, members of the trade community should process 5106 create or update requests through a Customs Broker or as a Self-Filer using ACE. If this is not possible, then the request may be sent to an Entry Specialist Team at a Center. While the OF Revenue Division is capable of processing these requests, it should only be asked to do so if an entry specialist team is unable to process the request.

24.6 CBP Form 5106 Updates

Creation of and updates to IOR data by members of the trade community using a CBP Form 5106 have special requirements depending upon the method used to update the record. The information in this section outlines what needs to be considered when members of the trade community update or create CBP Form 5106 data via ABI, the ACE Portal, or through a request to CBP personnel.

Submitting Updates Using ABI or the ACE Portal

When a licensed Customs Broker or Self-File updates an IOR using either the 5106 ACE ABI functionality or ACE Portal, all the data previously provided on the form, excluding contact (*3J. Business Structure/Beneficial Owner/Company Officers on the PDF version of the form*) information, must be resubmitted. If an optional data element is not resubmitted, the system will update the IOR to reflect that no data has been provided for that field.

Submitting Updates to CBP Personnel

Members of the trade community can submit a completed and signed PDF copy of the CBP Form 5106 to an entry specialist team or the OF Revenue Division to create an IOR or make updates to an existing record. When updating an IOR using a PDF 5106, CBP will keep all the optional data elements that were previously filled out on the form unless the member of the trade community who is submitting the 5106 update request either inputs new information into their optional data elements in section 3 or type/write-in an “R”, which stands for remove. Unlike the 5106 ACE Portal and ABI Functionality, if CBP receives a PDF 5106 update request that has blank optional data elements and information was previously submitted for them, the agency will keep the previously entered optional data information.

Note: All mandatory data elements will have to be reentered on the PDF 5106 update request and the request will have to be signed in order for it to be accepted by an entry specialist team or the OF Revenue Division.

This means that address information will also need to be reentered. Entering the word “Same” will not be accepted for either the mailing address or the physical location address. If the physical location address is left blank and the mailing address is provided, CBP will assume that the physical location address is the same as the mailing address regardless of the physical location address information that was previously on file.

24.7 CBP-Assigned Number Lookup

Members of the trade community who receive an R05 “*Importer already on file*” error message when requesting that ACE create a CBP-Assigned Number for an IOR may ask that CBP look up the number by emailing a valid signed power of attorney with the IOR’s name and address on it to CBP at the 5106@cbp.dhs.gov.

24.8 IOR Statuses

IORs have a number of different statuses. In order for an IOR to be used as a party on an entry, it must be in “Active” status. The status of an IOR can be identified in the 5106 ACE Portal under the “Administration Control Information” section. If the IOR is in any other status than “active”, ACE will reject any pending entry on which it is identified.

Active Status: If an IOR's status in the system is listed as being "10 - Active", a member of the trade community can use it on entry and entry summary documents.

Inactive Status: If an IOR's status in the system is "20 – Inactive", it means that the number has not been used for an entry summary for an extended period. Members of the trade community are unable to use IORs that are in "inactive" status on entry and entry summary documents.

Note: If an IOR associated with an EIN or SSN is inactive, it **DOES NOT mean that the EIN or SSN associated with it is inactive.** This means that the EIN or SSN can still be used normally for all non-entry related purposes.

IOR Reactivation

To reactivate an inactive IOR, a signed copy of the latest version of the CBP Form 5106 must be completed. If the trade is unable to reactivate the IOR using ABI, the completed form may be provided to an entry specialist team with all the mandatory data elements filled out on it. When submitting a CBP Form 5106 to an entry specialist team for reactivation the team must be notified that the CBP Form 5106 is being submitted in order to reactivate an IOR that already exists but is currently in "20 – Inactive" status.

Note: Members of the trade community who have 5106 ABI functionality are able to reactivate IORs using ABI.

Void Status

If an IOR's status in the system is "40 – Void", it means that CBP has voided the number because the agency believes it is no longer in use. Additional information on why CBP might void an IOR is available on cbp.gov's "Voided Importer Record FAQs" page located at:

<https://www.cbp.gov/trade/priority-issues/revenue/bonds/voided-importer-record-faqs>

In addition to the reasons why CBP might void an IOR listed on the FAQ page, an IOR may also be voided by CBP if it is not associated with an entry summary for 12 months or more. However, there are some special exceptions to CBP's void policy. For example, CBP will not void IORs with a valid bond or an unliquidated warehouse entry even if they are not associated with an entry filed in the past 12 months.

For questions about other possible exceptions to the void policy, email 5106@cbp.dhs.gov.

Note: If an IOR associated with a EIN or SSN is voided, it **DOES NOT mean that the EIN or SSN associated with it is voided.** This means that the EIN or SSN can still be used normally for all purposes other than being listed as a party's IOR number on an entry.

Un-voiding IORs

Members of the trade community can un-void an IOR by emailing an un-void request to the OF Revenue Division at bondquestions@cbp.dhs.gov with the appropriate supporting documentation. To be accepted, the subject line of the un-void request email to the OF Revenue Division must be "Void IR#" and include the number associated with the IOR. The supporting documentation varies depending on which type of identification number (EIN, SSN, or CBP-

Assigned Number) is associated with the IOR. Information on what documentation is required to un-void an IOR is available on the “Voided Importer Record FAQ” on cbp.gov located at:

<https://www.cbp.gov/trade/priority-issues/revenue/bonds/voided-importer-record-faqs>

Note: When CBP voids an IOR associated with an EIN or SSN it **does not** mean that the EIN or SSN has been voided. Both of those identification numbers will work for all other purpose other than being used as an IOR identification number on an entry.

Voiding IORs

Members of the trade community can request that CBP void an IOR by emailing the OF Revenue Division at bondquestions@cbp.dhs.gov. To be voided, the subject line of the void request email to the OF Revenue Division must be “Void IR#” and include the number associated with the IOR. This should be done in any instance where there are multiple IORs with the same name for one entity or where an entity will no longer be involved with the importation of goods into the United States.

Other Statuses

For information on other IOR statuses, such as suspended or sanctioned, contact the OF Revenue Division at bondquestions@cbp.dhs.gov. To be reviewed, the subject line of the status request email to the OF Revenue Division must be whatever the status of the IOR is followed by “IR#” and include the number associated with the record.

Checking the Status of an IOR

Members of the trade community can check the status of an IOR by emailing the SSN, EIN, or CBP-Assigned Number associated with it to an entry specialist team at a Center or 5106@cbp.dhs.gov.

Note: When sending an SSN, CBP strongly recommends that it is sent in a password protected Word document or PDF and that the document/file’s password is sent in a separate email.

Members of the trade community who are unsure of an IOR’s status should ask CBP to confirm whether it is currently in “10 – Active” status before using it on an entry.

24.9 Invalid Address Bypass

If an accurate address is rejected by the system and can be verified by the U.S. Postal Service, the Postal Service of the IOR’s home country (if it is a foreign address), or map software (such as Google Maps, Apple Maps, etc.), the trade user may request an address validation bypass by an entry specialist.

Note: The entry specialist who processes the address bypass will need to confirm that the address is on the U.S. Postal Service, the Postal Service of the IOR’s home country (if it is a foreign address), or map software (such as Google Maps, Apple Maps, etc.). To make this process as smooth as possible, members of the trade community who intend to request a 5106 address bypass should provide links proving that the address is valid in their bypass request email.

Requesting an Address Validation Bypass

To have an incorrectly rejected address processed by CBP, trade users should submit a completed and signed CBP Form 5106, along with the proof of a valid address, to an entry specialist team. The entry specialist team should be alerted to the fact that the request is being submitted to them because the system incorrectly rejected it when the customs broker or self-filer tried to submit it in ACE.

24.10 DIV, AKA, and DBA IOR's

Members of the trade community can add a “DIV” (division of), “AKA” (also known as), or “DBA” (doing business as) name to their IOR when they are filling out their CBP Form 5106 create or update request. The reasons and steps for doing this are outlined below:

“DIV” – EIN Division

An organization with an EIN may use the same EIN to create multiple divisions, with unique suffixes, within an organization. The division suffix is the two alphanumeric characters that follow the 9-digit EIN number. This means that the first nine numbers are the EIN and the last two alphanumeric characters are the division's suffix. For example, if “E” is part of an EIN number and “D” is a part of the division suffix, the format for an EIN based IOR number would be as follows:

EE-EEEEEEDD

The only characters that cannot be used for a division suffixes are outlined in [19 CFR 24.5\(d\)](#).

EIN Division Creation Requests

Per 19 CFR 24.5(d), the system will automatically assign an alphanumeric division suffix of “00” to an EIN based IOR if no other suffix is provided by the IOR's requestor on the CBP Form 5106 PDF, ACE Portal, or ABI functionality. Members of the trade community should follow the steps below to request a different, non “00”, division number for an EIN:

Step 1: In block 1A or its ACE equivalents, enter the name of the division. To avoid potential entry processing delays and confusion, CBP recommends that division's name is different from the parent company's registered IOR name.

Step 2: In block 1B, provide the parent company's 9 digit EIN and add a two alphanumeric number to it. The division suffix can be letters (*excluding the letters referenced in 19 CFR 24.5(d)*), numbers, or a combination of the two. For example, an acceptable division suffix could be “11”, “AA”, “1A”, etc.

Note: A new division IOR cannot be created using a division suffix that already exists for a given EIN.

Step 3: Under block 1C, select the “DIV” option.

Step 4: Under block 1D, provide the name of the parent company.

Step 5: The rest of the 5106 submission should be filled out as normal. The submission process for CBP Form 5106 IOR division request is the same as the standard CBP Form 5106 create/add request process.

“AKA” and “DBA” Names

Typically members of the trade community provide an AKA name when an entity does business under multiple names. Members of the trade community should provide a DBA name when a business primarily operates under name that is different from its legal name.

AKA and DBA Name Addition Request

Members of the trade community can add either an AKA or DBA to an IOR by following the steps below:

Step 1: In block 1A, enter the official legal name of the entity.

Step 2: In block 1C, select either the AKA or DBA checkbox depending on what type of alternative name is being added to the IOR.

Step 3: In block 1D, enter the alternative, AKA or DBA, name.

Step 4: Fill out all the mandatory data elements on the form and submit the CBP Form via the 5106 ACE Portal, the 5106 ABI Functionality, or to an entry specialist team or OF Financial Program Specialist.

24.11 Additional 5106 Information and References

The links and email addresses below can be used for additional information or assistance with CBP Form 5106 formatting and processing:

Formatting CBP Form 5106 in ACE

For guidance on how to format a CBP Form 5106 create or update request in ACE, refer to the Create/Update Importer Record CATAIR located on cbp.gov at:

<https://www.cbp.gov/document/technical-documentation/ace-draft-catair-importerconsignee-createupdate>

CBP Form 5106 Error Messages

For information on the various CBP Form 5106 Condition Codes/Error Messages in ACE, refer to the ACE 5106 Error Dictionary on cbp.gov at:

<https://www.cbp.gov/document/technical-documentation/ace-5106-error-dictionary>

Additional CBP Form 5106 Information

Links to resources on the CBP Form 5106 can be found on the “Create/Update Importer Identity Form (CBP Form 5106)” site page on cbp.gov, which can be found at:

<https://www.cbp.gov/trade/programs-administration/entry-summary/cbp-form-5106>

5106 Policy Questions

Policy questions about the CBP Form 5106 should be emailed to:

5106@cbp.dhs.gov

Note: The trade community should **NOT** send CBP Form 5106 create/add, update, un-void, or reactivation requests to the 5106 mailbox. The personnel assigned to reviewing the mailbox are unable to process these types of 5106 requests. The trade community should only submit policy related questions to this mailbox.

Chapter 25

Consolidated Express Filings (CEF)

25.0 Consolidated Express Filings Overview

Entry type 11 Consolidated Express Filings (CEF), formerly referred to as consolidated express informals, are filed by one of the two following scenarios:

Scenario 1:

- One consolidated express informal consignment entry per port, per carrier, per day.

Scenario 2:

- One consolidated express informal consignment entry per port, per carrier, per day and per flight.

Prior to the ACE July 2019 deployment, the only option for filing consolidated informals was a manual, Non-ABI process. Filers provided manifest release documents consolidated onto a single paper CBP Form 7501 and accompanied check payments to CBP.

ACE allows authorized Customs Brokers to submit entry summary data via ABI for CEFs, along with daily statement payment for duties only, to reduce processing time and paper. If requested by CBP, filers will submit supporting manifest release documentation via the Document Image System (DIS). If CBP does not request documentation, the trade is required to retain its documents per CBP's recordkeeping requirements.

Entry summaries that are subject to AD/CVD, quota or required by any other formal process are not allowed to be filed via CEF.

Carriers will have the ability to continue to use the paper process for consolidated informals, and will be required to use the paper process if any fee or tax collection is necessary, such as AMS fees and Internal Revenue Tax. Merchandise Processing Fee will continue to be collected on a quarterly basis identified in 19 CFR 24.23.

The CEF indicator has been added to the Entry Summary Universe as a data element, which will allow filers to identify CEF entry summaries in an ACE Entry Summary Report.

Appendix 1

Table of Changes

Version Number	Date of Change	Section(s) Affected	Brief Description of Change
9.75	June 2019	General update	<p>The following section number changes have occurred:</p> <ul style="list-style-type: none"> • Sections 1, 2, 3, 5, and 8 are now: <ul style="list-style-type: none"> ○ Entry Summary • Section 4 (<i>Non-ABI</i>) is now: <ul style="list-style-type: none"> ○ 2.0 Non-ABI/Manual Entry Summary • Section 6 (<i>Single Transaction Bond</i>) is now: <ul style="list-style-type: none"> ○ 3.0 Single Transaction Bonds (For eBonds) • Section 7 (<i>Remote Location Filing Process</i>) is now: <ul style="list-style-type: none"> ○ 4.0 Remote Location Filing Process • Section 9 (<i>Blanket Declarations</i>) is now: <ul style="list-style-type: none"> ○ 5.0 Blanket Declarations • Section 10 (<i>TIB</i>) is now: <ul style="list-style-type: none"> ○ 6.0 Temporary Importation Under Bond (TIB) • Section 11 (<i>PSC</i>) is now: <ul style="list-style-type: none"> ○ 7.0 Post Summary Correction (PSC) • Section 12 (<i>Quota</i>) is now: <ul style="list-style-type: none"> ○ 8.0 Quota

Version Number	Date of Change	Section(s) Affected	Brief Description of Change
		General update (continued)	<ul style="list-style-type: none"> • Section 13 (<i>AD/CVD</i>) is now: <ul style="list-style-type: none"> ○ 9.0 Antidumping and Countervailing (AD/CVD) • Section 14 (<i>Liquidation</i>) is now: <ul style="list-style-type: none"> ○ 10.0 Liquidation • Section 15 (<i>Reconciliation</i>) is now: <ul style="list-style-type: none"> ○ 11.0 Reconciliation • Section 16 (<i>Protests and 520(D) Claims</i>) is now: <ul style="list-style-type: none"> ○ 12.0 Protests and 520(D) Claims • Section 17 (<i>Warehouse Entries</i>) is now: <ul style="list-style-type: none"> ○ 13.0 Warehouse Entries and Withdrawals • Section 18 (<i>TFTEA Drawback</i>) is now: <ul style="list-style-type: none"> ○ 14.0 TFTEA Drawback • Section 19 (<i>ACE Reports</i>) is now: <ul style="list-style-type: none"> ○ 15.0 ACE Reports • Section 20 (<i>DCMA</i>) is now: <ul style="list-style-type: none"> ○ 16.0 DCMA Entries

Version Number	Date of Change	Section(s) Affected	Brief Description of Change
		General update (continued)	<ul style="list-style-type: none"> • Section 21 (<i>NAFTA Duty Deferral</i>) is now: <ul style="list-style-type: none"> ○ 17.0 NAFTA Duty Deferral • Section 22 (<i>Foreign Trade Zones</i>) is now: <ul style="list-style-type: none"> ○ 18.0 Foreign Trade Zones (FTZs) • Section 23 (<i>Trade Fair Foreign Exhibits</i>) is now: <ul style="list-style-type: none"> ○ 19.0 Trade Fair Foreign Exhibit (Entry Type 24) • Section 24 (<i>Collections</i>) is now: <ul style="list-style-type: none"> ○ 20.0 Collections • Section 25 (<i>Informal Entries</i>) is now: <ul style="list-style-type: none"> ○ 21.0 Informal Entries • Section 26 (<i>HTS Reporting</i>) is now: <ul style="list-style-type: none"> ○ 22.0 HTS Reporting for Multiple Classifications • Section 27 (<i>Downtime procedures</i>) is now: <ul style="list-style-type: none"> ○ 23.0 Downtime Procedures

Version Number	Date of Change	Section(s) Affected	Brief Description of Change
		Section 1 (Entry Summary)	Sections 1 (<i>Entry Summary Transmission</i>), 2 (<i>Entry Summary Record Creation</i>), 3 (<i>Entry Summary Cancellation</i>), 5 (<i>System-Generated Notification</i>), and 8 (<i>Entry Summary Team Review</i>) have been revised and combined into 1 section, which has been renamed “Entry Summary”. Edits have also been made to the content and combined Section 1 to make it clearer and flow better.
		Section 2 (Non- ABI/Manual Entry Summary)	Section 2, previously section 4, has been Completely overhauled and a number of new subsections have been added for content such as Non-ABI/manual entry summary lineless processing, filer codes, etc.
		Section 7 (Post Summary Correction)	Section 7, previously section 11, has been reorganized and its language has been revised to make the section clearer and flow better.
		Section 9 (Antidumping & Countervailing Duties) (AD/CVD)	Section 9’s, previously section 13, content has been updated to include the latest acronyms, additional AD/CVD related definitions, and revised language.

Version Number	Date of Change	Section(s) Affected	Brief Description of Change
		Section 11 (Reconciliation)	Section 11, previously section 15, has had a number of new subsections, such as Reconciliation collections, Reconciliation interest calculations, etc., and language edits have been made to the section to make it clearer.
10.0	March 2020	Section 14 (Drawback)	Section 14 has been updated and reformatted. It includes new and revised language, to account for the changes resulting from the new regulations, and to help facilitate the proper filing of drawback claims.
10.25-Revised	January 2021	Section 13 (Warehouse Entries and Withdrawals)	Section 3.4 removed. Added write-up in Table of Changes.
10.25-Revised	January 2021	Section 18 (FTZ)	Reverted back to previous version.
10.25-Revised	January 2021	Section 19 (Trade Fair Foreign Exhibits)	Reverted back to previous version.
10.25-Revised	January 2021	Section 26 (Government Entry Type 52)	Removed section.
10.25-Revised	January 2021	Section 1 (Entry Summary)	Update to Entry Summary Versions. Link to entry summary Acceptance and Rejection Policy provided.

Version Number	Date of Change	Section(s) Affected	Brief Description of Change
10.25-Revised	January 2021	Section 3 (eBond Test)	Chapter title changed from “Single Transaction Bonds” to “eBond Test”. Significant updates include: Overview of the eBond test including links to relevant Federal Register Notices; details regarding the transmission of bonds via EDI or email, details regarding the “eBond: Create/Update” CATAIR; information regarding the deployment of ACE validations of continuous bonds on June 20, 2020; and points of contact at the Office of Finance – Revenue Division for operational questions and Office of Trade for bond policy questions.
10.25-Revised	January 2021	Section 6 Temporary Importation under Bond (TIB)	Update to include Closure Procedures.
10.25-Revised	January 2021	Section 7 (Post Summary Correction)	New section PSC Revert added and updated language for PSC Status Updates.
10.25-Revised	January 2021	Section 10 (Liquidation)	Removal of TIB extension information for clarity (not applicable to liquidation). See Section 6.0 Temporary Importation Under Bond (TIB) for extensions of TIB’s.
10.25-Revised	January 2021	Section 11 (Reconciliation)	Version 10.25 includes a section with Information on Retroactive Flagging.
10.25-Revised	January 2021	Section 13 (Warehouse Entries)	Includes updates to language to reflect current procedures.

Version Number	Date of Change	Section(s) Affected	Brief Description of Change
10.25-Revised	January 2021	Section 14 (Drawback)	Chapter 14 includes new and revised language. It has been updated and reformatted to be more user friendly.
10.25-Revised	January 2021	Section 15 (ACE Reports)	Updated to remove listing of specific Entry Summary Reports.
10.25-Revised	January 2021	Section 17 (NAFTA Duty Deferral)	Edited to include the USMCA.
10.25-Revised	January 2021	Section 23 (Downtime Procedures)	New guidance on trade interruptions resulting from hurricanes and other weather-related incidents.

THIS PAGE LEFT INTENTIONALLY BLANK